

**From:** [Fugh, Justina](#)  
**To:** [Adhar, Radha](#); [Katims, Casey](#); [Keith, Jennie](#); [Clarke, Victoria](#)  
**Subject:** General discussion: OCIR/Ethics

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Your friends in OGC/Ethics want to talk with you about anticipating ethics and Hatch Act issues you might encounter and how to avoid them. This is an introductory meeting only (no need to prepare or be worried!) so that we can identify likely areas of concern and then coordinate on tailoring information sessions for your staff and/or regional contacts.

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Microsoft Teams meeting

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(b) (6) United States, Washington DC

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<<https://mysettings.lync.com/pstnconferencing>>

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**From:** [Katims, Casey](#)  
**To:** [Fugh, Justina](#)  
**Subject:** RE: Friendly reminder to please sign the attached Biden Ethics pledge  
**Date:** Tuesday, January 26, 2021 8:56:14 AM  
**Attachments:** [Katims Ethics Pledge.pdf](#)

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Justina: Thanks for the reminder! Please find my signed ethics pledge attached.

All the best,

Casey

202.494.4609

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Tuesday, January 26, 2021 12:22 AM  
**To:** Adhar, Radha <Adhar.Radha@epa.gov>; Enobakhare, Rosemary <Enobakhare.Rosemary@epa.gov>; Fox, Radhika <Fox.Radhika@epa.gov>; Hamilton, Lindsay <Hamilton.Lindsay@epa.gov>; Harris, Sincere <Harris.Sincere@epa.gov>; Hoffer, Melissa <Hoffer.Melissa@epa.gov>; Katims, Casey <Katims.Casey@epa.gov>; Utech, Dan <Utech.Dan@epa.gov>  
**Subject:** Friendly reminder to please sign the attached Biden Ethics pledge  
Thanks in advance! You can send it back to me or to [ethics@epa.gov](mailto:ethics@epa.gov).

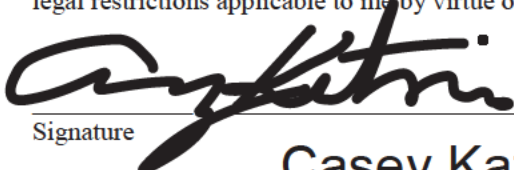
Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.



Signature

Name (Type or Print):

Casey Katims

January 26, 2021

Date

**From:** [Katims, Casey](#)  
**To:** [Griffo, Shannon](#)  
**Cc:** [Fugh, Justina](#)  
**Subject:** RE: life update  
**Date:** Wednesday, October 13, 2021 3:59:40 PM

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Got it – sounds good, thank you Shannon!

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**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Sent:** Wednesday, October 13, 2021 3:50 PM  
**To:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: life update

I doubt anything involving (b) (6) would arise before you given your duties in OCIR. But just remember that you may not participate in a specific party matter in which (b) (6) is a party or represents a party if the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality. See 5 C.F.R. § 2635.502(a). So in the unlikely situation that something does arise involving (b) (6), please reach out to us and we can assist with next steps.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

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**From:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>  
**Sent:** Tuesday, October 12, 2021 9:13 PM  
**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: life update

Thank you, Shannon! This is very helpful. (b) (6)

(b) (6) would not anticipate business or matters coming before EPA but let me know if you disagree.

Will start working through the other questions you laid out below and keep you posted if anything comes up... and will be prepared to include in next year's reporting in the spring.

Thanks again!

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**From:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Sent:** Tuesday, October 12, 2021 6:26 PM  
**To:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: life update

Hi Casey,

CONGRATS!! That is very happy news indeed. And good for you for thinking about ethics and your reporting requirements!

Now that you're married, your spouse's assets get imputed to you for purposes of the financial conflict of interest statute. So you should get an idea of what they are and we'll need to figure out whether they will present any conflicts with your official duties. We can help you work through that if your spouse does indeed have assets. And for reporting, you don't need to include anything for your spouse until next year's report (due May 2022), but you will need to be mindful about periodic

transaction reporting for any purchases, sales or exchanges of any such assets - stocks or bonds - over \$1,000 (278-T). See our helpful chart attached.

The only other thing I'd ask is where your spouse works, because you will now have a "covered relationship" pursuant to the federal impartiality regulations with your spouse's employer. If it's likely that the employer will have business or matters arising before EPA, then we should chat further.

Hope that helps.

Best wishes to you both!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

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**From:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>

**Sent:** Tuesday, October 12, 2021 12:46 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** life update

Justina and Shannon:

I wanted to flag some happy personal news that (b) (6)

I recall that there are some financial disclosure requirements for spouses... if I have that right, I just wanted to confirm whether there's anything we need to do immediately, or whether this happens at the next regular reporting period for appointees? Let me know any thoughts.

Thanks in advance for your help!

Casey

**From:** [Katims, Casey](#)  
**To:** [Clarke, Victoria](#); [Griffo, Shannon](#)  
**Subject:** RE: signed impartiality determination  
**Date:** Tuesday, August 10, 2021 1:07:04 PM

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Thank you Victoria! Greatly appreciate your guidance and assistance on this.

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**From:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Sent:** Tuesday, August 10, 2021 1:03 PM  
**To:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** RE: signed impartiality determination

Hi Casey,

Your January 2021 impartiality determination authorizes you "to participate as Deputy Associate Administrator for Intergovernmental Affairs for OCIR in particular matters that involve the State of Washington with the following limitation: you must recuse yourself from participation in specific party matters in which you participated personally and substantially while employed with the Governor's Office." Pg. 2.

You've inquired whether, under the terms of your impartiality determination, you are allowed to participate in strategy discussions about NPDES permits submitted by the State of Washington, because you had a question as to whether you worked personally and substantially on these NPDES permits during your time at the Washington Governor's Office.

During our call yesterday, you explained that while NPDES permits weren't an area that you worked on specifically, you did have limited exposure to NPDES permits. Namely, you fielded a couple of phone calls from your colleagues in Spring 2020 that were related to the messaging about NPDES permits or your thoughts on the current path forward with respect to the NPDES permits. I circled up with Justina and Ferne today at staff meeting, and based on these facts, OGC Ethics does not believe that you participated personally and substantially on the NPDES permits given these isolated discussions.

Therefore, you can engage in the strategy discussions about these NPDES permits.

As always, if you have any questions or need any additional clarification, feel free to check in with us!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel | Ethics Office

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

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**From:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>  
**Sent:** Monday, August 09, 2021 12:54 PM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** RE: signed impartiality determination  
Would 4:00p today work? Thank you!

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**From:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Sent:** Monday, August 9, 2021 12:52 PM  
**To:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** RE: signed impartiality determination  
Sure thing, Casey. What's a time that works for you?

Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel | Ethics Office  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

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**From:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>

**Sent:** Monday, August 09, 2021 12:30 PM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>

**Subject:** RE: signed impartiality determination

Victoria:

I have a question about my recusal obligations as it pertains to a certain issue. I see Shannon is out this week, any chance you might have a few minutes to connect with me about it?  
Thanks!

Casey

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Tuesday, January 26, 2021 3:05 PM

**To:** Katims, Casey <[Katims.Casey@epa.gov](mailto:Katims.Casey@epa.gov)>

**Cc:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>;  
Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** signed impartiality determination

Hi Casey,

Attached is the signed impartiality determination to allow you to work on specific party matters that may arise in the next year in which the State of Washington (your former employer) is a party or represents a party. I am copying Radha Adhar and Robin Richardson, who is the Deputy Ethics Official for OCIR, as well as Shannon Griffo in OGC/Ethics who drafted the document.

Please note that we consider this a "limited" determination, meaning that you should not dive into working on behalf of EPA on any specific party matter that you already worked on for Washington without first checking in with ethics. That said, we don't really expect that you'll encounter any of those in your OCIR job.

Let me know if you have any questions and don't forget to get working on your financial disclosure report.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



**From:** [Casey Katims](#)  
**To:** [Fugh, Justina](#)  
**Cc:** [Griffo, Shannon](#)  
**Subject:** Re: Welcome to the world of public financial disclosure reporting!  
**Date:** Thursday, January 7, 2021 11:26:14 AM

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Justina:

Many thanks for sending along this helpful rundown. I look forward to getting to work on the Financial Disclosure Report and will certainly be in touch if any questions arise.

Appreciate your and Shannon's assistance throughout this process.

All my best,

Casey

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Casey Katims

(b) (6)

On Wed, Jan 6, 2021 at 1:48 AM Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi there,

As I mentioned to you last week, I think you should get started on completing the public financial disclosure report since you will be joining EPA on or about 1/20/21 as a Schedule C appointee in the position of Deputy Associate Administrator for Intergovernmental Affairs, Office of Congressional and Intergovernmental Relations. Congratulations! Given this type of appointment, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. What follows is a long, chatty email with tons of information. If you need help, then please contact Shannon Griffo, copied here, or me. We really are here to help you.

#### DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from your effective date at EPA or 2/19/21. If you need additional time, you must contact [ethics@epa.gov](mailto:ethics@epa.gov) before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system ([www.INTegrity.gov](http://www.INTegrity.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.



We created an account for you in INTEGRITY and have assigned you a “new entrant” report. Your filer category is “Schedule C” and your filer status is “full time.” We have pre-populated the address field with EPA’s address because, well, this is a public form and we don’t want anyone to know your personal address. For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government’s [max.gov](#) site, the gateway to INTEGRITY. If you didn’t receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact [ethics@epa.gov](#).

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

#### REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

#### REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go over this requirement during your initial ethics training, but I’ve also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

#### YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It’s worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help. We know this is a beast of a form, so we really are here to help you.

## OTHER ETHICS REQUIREMENTS FOR YOU

### HATCH ACT

As a federal employee, you will be “lesser restricted” under the Hatch Act. During your new employee orientation, the ethics staff will go over the Hatch Act, which governs the political activity of government employees. For a refresher, you can familiarize yourself with the Hatch Act as it affects you by reviewing our attached handy chart.

### ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training this year. The new employee training you will have with the ethics staff meets your annual training requirement for this year. Next year, you will take the annual training online.

If you have any questions regarding this message or your obligations, then please contact Shannon Griffo or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). We'll be happy to assist you.

Cheers,  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Harris, Sincere](#); [Utech, Dan](#); [Cassady, Alison](#); [Hoffer, Melissa](#); [Hamilton, Lindsay](#); [Chaudhary, Dimple](#); [Adhar, Radha](#); [Fox, Radhika](#); [Enobakhare, Rosemary](#); [Fine, Philip](#); [Katims, Casey](#); [Arroyo, Victoria](#); [Lucey, John](#); [Goffman, Joseph](#); [Carbonell, Tomas](#)  
**Cc:** [OGC Ethics](#); [Payne, James \(Jim\)](#)  
**Subject:** your ethics obligations ... briefing materials, references and the pledge  
**Date:** Friday, January 22, 2021 2:05:07 PM  
**Attachments:** [Biden Ethics Pledge for digital signature.pdf](#)  
[Ethics Briefing Packet for Political Appointees.pdf](#)

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Hi there,

Thank you all for attending your initial ethics briefing on Thursday, January 21, 2021. All of us in OGC/Ethics appreciate your attentiveness and interest. Attached is the briefing material we promised you that includes information about your transaction reporting obligations, the form to use for notification of negotiation for non-federal employment, a handy Hatch Act chart, and a one-pager on embedding ethics in your calendaring process. The packet also includes a pdf of the Biden Executive Order on "Ethic Commitments" for your reference. And I have attached separately the Biden Ethics Pledge for you to sign digitally and return to [ethics@epa.gov](mailto:ethics@epa.gov).

So what about your financial disclosure report? Well, I'm not ready for you to work on that if you haven't yet started. I need to set up new accounts for you using your EPA email addresses, then will send you a new email with instructions. I know that some of you already started your reports that were assigned to your personal email address, which is fine. That information is saved and will be transferred over to your new accounts under your EPA email addresses. Try to find something to occupy your time over the next day or so (ha!), and then you can spend a leisurely and frustrating time with the public financial disclosure report a bit later, once you get the email from me. Each of you will have a contact on the OGC/Ethics team to help you navigate your form and any ethics concerns you may have. Our contact information is included on the first page of your briefing material. We are all always just a call or an email away.

Happy Friday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

## Ethics Briefing

### 1. The Ethics Program at the Environmental Protection Agency

You have ethics officials in the Office of General Counsel who can assist you:

<b>Jim Payne</b> Designated Agency Ethics Official (202) 564-0212 <a href="mailto:payne.james@epa.gov">payne.james@epa.gov</a>	
<b>Justina Fugh</b> Alternate Agency Ethics Official and Director of Ethics Office (202) 564-1786 <a href="mailto:fugh.justina@epa.gov">fugh.justina@epa.gov</a>	
<b>Shannon Griffo</b> Ethics Attorney (202) 564-7061 <a href="mailto:griffo.shannon@epa.gov">griffo.shannon@epa.gov</a>	<b>Margaret Ross</b> Ethics Officer (202) 564-3221 <a href="mailto:ross.margaret@epa.gov">ross.margaret@epa.gov</a>
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You can also visit the [OGC/Ethics SharePoint site](#) for more information.

### 2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the United States and that we are not putting personal or private interests ahead of the public trust. There are 14 principles that form your [basic obligation of public service](#) that we'll address in this briefing material.

### 3. The President's Executive Order (for political appointees only)

On January 20, 2021, President Biden issued an Executive Order that includes an ethics pledge you must sign as a condition of your appointment. You are agreeing to a broader "ethics in government" plan to restore and maintain public trust in government, so please review the preamble carefully. The significant points of the pledge itself are described below:

*If you were a federally registered lobbyist or registered foreign agent in the past 2 years:*

- For the next 2 years, do not participate in any particular matter on which you lobbied or were registrable for under the Foreign Agents Registration Act within the previous 2 years and do not participate in the specific issue area in which that particular matter falls.
- Do not seek or accept employment with any government agency that you lobbied or engaged in registrable activity under FARA within the past 2 years.

*While you are a federally employee:*

- Do not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions (e.g., preexisting personal relationship, discount or benefit available to all government employees) but check with an ethics official for guidance.
- For 2 years from the date of your appointment, do not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients, including regulations and contracts.
  - Note: The definition of *former employer* excludes the federal government, state or local governments, D.C., Native American tribes, U.S. territories or possessions, or any international organization in which the U.S. is a member state. But under the federal impartiality rules, you will still have a one-year cooling off period with those entities (except if your former employer was already the US government).
- Any hiring or other employment decisions that you make will be based on the candidate's qualifications, competence and experience.
- Do not accept any salary or cash payment or any other non-cash benefit from a former employer for entering into government service.

*When you leave federal service, you are agreeing to the following:*

- If you are a "senior employee" subject to the one-year cooling off period under 18 U.S.C. § 207(c), your cooling off period will be extended by another year, for a total of two years.
- If you are a "senior employee" subject to either 18 U.S.C. § 207(c) or (d), for one year following your departure from federal service, you will not work behind the scenes to materially assist others in making communications or appearances to the United States Government that you would otherwise be unable to make under the post-employment restrictions.
- You will not lobby any covered executive branch official or non-career SES appointee for the remainder of this Administration or for 2 years following the end of your appointment, whichever is later.
- You will not engage in any activity on behalf of a foreign government or foreign political party

that would require you to register under the Foreign Agents Registration Act for the remainder of this Administrator or 2 years following the end of your appointment, whichever is later.

A copy of the Executive Order and the Biden Ethics Pledge that you must sign are included in this packet of materials.

#### **4. Financial Disclosure Reporting**

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant (PAS appointees have an additional requirement for a specialized one-on-one ethics briefing), and also required to have one hour of ethics training each year. The Ethics Office in the Office of General Counsel (OGC/Ethics) provides your training either in person or virtually.

You must report any transaction of securities (stocks or bonds) over \$1000 on a periodic basis in INTEGRITY using the 278T. These periodic transactions must be reported the earlier of 30 days after learning of the transaction or 45 days after the transaction takes place. Failure to file timely results in late fees that are assessed as a matter of law.

In addition, you are required to notify OGC/Ethics within three days of beginning to negotiate for employment with any non-federal entity. To do so, use our Notification of Negotiation form.

Included in this packet of materials are reminders about the types of transactions that are to be reported periodically and not being tardy in filing any reports with OGC/Ethics.

#### **5. Attorney Client Privilege & FOIA**

By regulation, disclosure by an employee to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. § 2635.107(b). This means that if our records (or yours) are requested under the Freedom of Information Act (FOIA), then we will not be able to redact our advice to you using the attorney-client privilege. However, we can -- and do -- assert personal privacy and deliberative process privileges where applicable. For example, the deliberative process privilege may apply to pre-decisional ethics advice documents, but please note that our final advice to you is generally releasable.

This should **not** stop you from seeking the advice of your ethics officials! Not only does it show you are being a steward of the public trust, but good faith reliance on advice received from your ethics officials after disclosing all relevant facts can shield you from disciplinary action and is a factor that the Department of Justice considers when deciding which cases they wish to prosecute.

#### **6. Conflicts of Interest**

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially* in *any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.



Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So, you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

## **7. Appearance of a Loss of Impartiality**

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or (if applicable) your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties.

When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

## **8. No representation back to the federal government**

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statutes, 18 U.S.C. §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

## **9. Acceptance of Gifts**

Be careful of any gift from people outside the Agency, particularly those that are worth more than \$20. Gifts are anything of value and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding \$10 from EPA employees, nor give gifts exceeding \$10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you provided that person is not your supervisor.

## **10. Attendance at Widely-Attended Gatherings (ethics check required)**

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclosure report if it exceeds the reporting threshold. For political appointees, though, please bear in mind that this exception does not apply to federally registered lobbyists. Political appointees cannot accept free attendance at a widely attended gathering that is sponsored by or hosted by a federally registered lobbyist.

### **IMPORTANT NOTE about Embedding Ethics into Your Calendaring Process**

Many ethics issues typically arise through the calendaring process of an EPA principal. Since you are responsible for your ethics obligations, we know you might need a little help. To assist you in navigating calendar and invitation issues, the EPA Ethics Office offers specialized assistance to you and your front office staff to advise on invitations, gifts associated with those invitations, etc. Embedding ethics is a proactive counseling practice that brings together the Principals, their staff, and local Deputy Ethics Officials to establish a process for incorporating ethics vetting into your or the Principal's calendar. Contact Jennie Keith to get started!

## **11. Travel Issues**

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from OGC/Ethics prior to the event. You can't accept such offerings on your own! We have an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See <http://intranet.epa.gov/ogc/ethics/travel.htm> . Prior to the pandemic, OGC/Ethics accepted over \$1 million each year in discretionary travel paid by non-federal sources.

## **12. Preferential Treatment of Non-Federal Entities (Endorsement)**

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of a regulated entity, a particular contractor or applicant, etc. Seek ethics advice before collaborating with non-federal entities on initiatives and events because not all of EPA's statutes allow us to cooperate with non-feds.

## **13. Political Activities**

You are now bound by the Hatch Act, which governs the political activity of federal employees, even in your personal capacity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. For example, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please see the attached chart and consult your ethics officials.

## **14. Lobbying Issues**

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

## **15. Use of Government Personnel and Resources**

EPA policy permits employees to “limited use” of government equipment, including the telephone, copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a “good cause”). They also cannot use the internet connection for gambling or to access pornography. See EPA’s [Limited Personal Use of Government Equipment Policy](#). Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

## **16. Outside Activities**

We were advised by the Biden Presidential Transition Team that non-PAS political appointees may have outside positions that are consistent with federal ethics regulations, including the Agency’s ethics regulations. Non-Career SES and Schedule C appointees must seek prior approval from EPA Ethics for certain outside activity consistent with EPA’s Supplemental Ethics Regulations at [5 C.F.R. § 6401.103](#). Examples of activity that require prior approval are practicing a profession or teaching, speaking or writing on subjects related to EPA programs, policies or operations. While there is a *de minimis* use of government equipment, that never applies to any compensated outside activity.

Most EPA employees may not receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you’ve been assigned in the previous year, or to any ongoing Agency program, policy or operation. But if you are a non-career SES employee, then your restriction is even broader: you may not receive compensation at all for any teaching, speaking or writing that relates to your official duties or even to EPA’s general subject matter area, industry, or economic sector primarily affected by EPA’s programs and operations. [5 C.F.R. § 2635.807\(a\)\(2\)\(i\)\(E\)\(3\)](#).

Non-Career SESers must also abide by these additional restrictions:

- You are subject to the outside earned income cap that is set each January. As of January 2021, that amount is \$29,595. See [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.304](#). This amount changes each year;
- You cannot receive compensation for practicing a profession that involves a fiduciary relationship; affiliating with or being employed by a firm or other entity that provides professional services involving a fiduciary relationship; or teaching without prior approval. See note to [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.305](#);
- You may be permitted to serve as an officer or member of the board of any association, corporation or other entity, but cannot be compensated for such service. [See 5 C.F.R. § 2636.306](#); and
- You may not receive compensation for any other teaching unless specifically authorized in advance by OGC/Ethics (specifically, the Designated or Alternate Designated Agency Ethics Official listed on the first page of this briefing material). [See 5 C.F.R. § 2636.307](#).

## **17. Ethics Obligations of Supervisors**

If you are a supervisor, you must model ethical behavior for your staff. Set forth below are your additional ethics responsibilities, found at [5 C.F.R. § 2638.103](#):

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the [Standards of Conduct](#) and that subordinates know how to contact [agency ethics officials](#). Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

Your staff may ask you ethics questions, but unless you are an ethics official, you are not authorized to answer those ethics questions. If you receive an ethics question, then contact your own local Deputy Ethics Official or notify OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

## **18. Seeking Employment**

It's always odd to talk about seeking employment when we are welcoming you to EPA, but be mindful of the fact that there are restrictions that will apply. You won't be able to participate in a particular matter involving a party with which you are seeking employment, and that obligation starts as soon as you directly or indirectly contact a prospective employer, or as soon as you get a response expressing interest in you. You will need to disqualify yourself from particular matters that may affect the prospective employer.

## **19. Negotiating for Employment**

Should your pursuit of future employment advance to "negotiating" for employment with a particular entity, then you will have conflicts of interest. The financial interests of any person or entity with whom you are "negotiating" for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 U.S.C. § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to the prospective employer's industry or class.

Filers of the public financial disclosure report are further subject to the Ethics In Government Act, as amended by the STOCK Act, which requires you to notify OGC/Ethics within three days of commencing negotiations for future employment with a non-federal employer. Yes, we have a form for that notification.

## **20. Post-Government Employment - Representational Restrictions**

Even after you leave federal service, there are federal post-employment restrictions. Your pledge restrictions are supplementary to these restrictions. Your ethics officials are still available to answer your post-employment questions, even after you leave EPA. You will need to have an exit discussion with OGC/Ethics before you leave EPA, but here are the highlights of what we'll discuss regarding the federal law. You will also be bound by the additional restrictions of the Biden Ethics Pledge adumbrated on pp. 2-3 of this briefing material.

### **Lifetime bar - on particular matters that you worked on**

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. "Representation back" means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

### **2-year bar - on EPA matters pending during your last year in federal service**

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recuse yourself from a matter, you are still bound by the two-year bar. You are not permanently restricted, since you didn't work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

### **Senior Employee "cooling off restriction" – on any matter**

Depending on your rate of pay, you may be considered a "senior official" and will be restricted for one year from making any contact with EPA following your departure (under the federal ethics regulation). Political appointees have additional time restrictions under the Biden Ethics Pledge. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 3, 2021, the defining rate of pay for "senior officials" is [\\$172,395 per year](#) (excluding locality pay). If you make more than that (before locality pay), then you are a "senior employee" and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a "senior employee" and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

January 22, 2021

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh **Justina Fugh** Digitally signed by Justina Fugh  
Date: 2021.01.22 12:07:49  
-05'00'  
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at [www.oge.gov](http://www.oge.gov).

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> **Filing a late report will result in a \$200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.<sup>3</sup> **Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.



OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The <i>earlier of</i> 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov) describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

# When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>1</sup>
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" <sup>2</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>3</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

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<sup>1</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

<sup>2</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>3</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).

**REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation**

## NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name

Your telephone number\*

Date negotiation or agreement began

Your Title / Office / AAship or Region

Your email address\*

Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

*\* Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

## RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- |    | Yes                      | No                       |   |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.   |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment.          |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?  
See page 2.

**For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.**

Sign and submit to [ethics@epa.gov](mailto:ethics@epa.gov):

Your signature

OGC/Ethics Use Only:

**Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.**

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

**Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.**

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

**Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.**

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

**Need help answering these statements? Contact [ethics@epa.gov](mailto:ethics@epa.gov) to discuss.**

## Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

**Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”**

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
<b>Personal (off premises and off duty)</b>			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
<b>Affecting Official Resources</b>			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
<b>Fundraising</b>			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

\*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

# EPA Ethics Program

Counseling Practice Area:

Vetting Invitations

## Quick Summary:

One of the more visible ways ethics issues arise are those that come up during the calendaring of events and invitations for an EPA principal and their immediate staff. The ethics issues run the whole gambit:

Recusal Obligations ♦ Gifts ♦ Fundraising ♦ Political Activity ♦ Endorsements  
President's Ethics Pledge ♦ Misuse of Position

Embedding ethics is a proactive counseling practice that brings together the Principals, their immediate staff, and Deputy Ethics Officials to establish a process for incorporating ethics vetting into the Principal's calendar. This helps and supports the EPA principal to meet their ethics obligations and maintain integrity of agency programs and operations.

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## Who:

Principals (Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators), their immediate staff, and Deputy Ethics Officials.

## What:

Preventing conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals.

## When:

Upon the appointee's start of EPA service

## Where:

Through coordination in the principal's front office and immediate staff

## Why:

Principals and other political appointees encounter frequent ethics issues arising through acceptance of external events, travel, and meetings with external participants. With increased public scrutiny and ethics legal frameworks, this is a high risk area in the ethics program. It is the principal's responsibility to avoid ethics issues and to maintain public trust in government.

## How:

To navigate these ethics issues, we establish a process, use standard event information gathering forms, and train periodically, so a principal's front office can obtain all relevant information for an event and ethics officials can advise appropriately and timely prior to acceptance.



# Executive Order on Ethic Commitments by Executive Branch Personnel

JANUARY 20, 2021 • [PRESIDENTIAL ACTIONS](#)

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“2. Revolving Door Ban — All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“3. Revolving Door Ban — Lobbyists and Registered Agents Entering Government. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

“4. Revolving Door Ban — Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

“5. Revolving Door Ban — Senior and Very Senior Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

“6. Revolving Door Ban — Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

“7. Golden Parachute Ban. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

“8. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“9. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. For purposes of this order and the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”:

(i) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(ii) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

(iii) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.

(d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.

(g) “Lobbying activities” shall have the definition set forth in section 1602 of title 2, United States Code.

(h) “Materially assist” means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual’s subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(i) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(j) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(k) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.

(l) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service

provided was limited to speeches or similar appearances. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.

(m) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(n) "Participate" means to participate personally and substantially.

(o) "Government official" means any employee of the executive branch.

(p) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(q) "Pledge" means the ethics pledge set forth in section 1 of this order.

(r) "Senior White House staff" means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(s) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing:

(i) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(ii) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs 3(b) and (c) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs 3(b) and (c) of the pledge, the responsible official may consider the following factors:

- (i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment;
- (ii) the uniqueness of the individual's qualifications to meet the government's needs;
- (iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and
- (iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services, such as those required by paragraph 3(a) of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure:

- (i) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;
- (ii) that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;
- (iii) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and
- (iv) that the agency generally complies with this order.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) of this order shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall:

- (i) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) of this order;
- (ii) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and
- (iii) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate:
  - (A) to carry out the foregoing responsibilities;
  - (B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;
  - (C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;
  - (D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees' official actions do not affect the integrity of the Government's programs and operations;
  - (E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;
- (iv) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These recommendations shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and
- (v) provide an annual public report on the administration of the pledge and this order.



(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service. This report shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for consideration pursuant to subsection (c) of this order.

(c) The Attorney General is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(ii) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,  
January 20, 2021.

## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Harris, Sincere

Digitally signed by Harris, Sincere  
Date: 2021.01.26 07:46:19 -05'00'

January 26, 2021

Signature

Date

Name (Type or Print): Sinceré A. Harris

**From:** [Harris, Sincere](#)  
**To:** [ethics](#)  
**Cc:** [Fugh, Justina](#)  
**Subject:** Biden Ethics Pledge  
**Date:** Tuesday, January 26, 2021 7:52:34 AM  
**Attachments:** [S. Harris - Biden Ethics Pledge for digital signature.pdf](#)  
**Importance:** High

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Signed and attached here.

Thank you.

**From:** [Fugh, Justina](#)  
**To:** [Arroyo, Victoria](#); [Carbonell, Tomas](#); [Cassady, Alison](#); [Chaudhary, Dimple](#); [Fine, Philip](#); [Harris, Sincere](#); [Hoffer, Melissa](#); [Katims, Casey](#); [Lucey, John](#); [Utech, Dan](#)  
**Subject:** Welcome (really) to the wonderful world of public financial disclosure reporting!  
**Date:** Monday, January 25, 2021 12:58:00 AM  
**Attachments:** [Advisory - 278 and 278T reporting obligations January 2021 digitally signed.pdf](#)  
[reporting periods for 278s.docx](#)  
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

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Hi there,

In your position you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. Using your EPA email address, I have now assigned you a new entrant report that we'll review. Having this information will allow us to assess your conflicts issues and then to draft recusal statements for those of you who need them. Don't worry ... we're here to help you.

#### DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from your start date at EPA or 2/19/21. If you need additional time, you must contact [ethics@epa.gov](mailto:ethics@epa.gov) before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system ([www.INTEGRITY.gov](http://www.INTEGRITY.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact [ethics@epa.gov](mailto:ethics@epa.gov).

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

#### REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

#### REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go

over this requirement during your initial ethics training, but I've also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

If you have any questions regarding this message or your obligations, then please contact me or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). Good luck with the form and remember, we can answer any questions you may have.

Cheers,  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

January 22, 2021

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh **Justina Fugh** Digitally signed by Justina Fugh  
Date: 2021.01.22 12:07:49  
-05'00'  
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at [www.oge.gov](http://www.oge.gov).

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> **Filing a late report will result in a \$200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.<sup>3</sup> **Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.



OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The <i>earlier of</i> 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. *See* 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov) describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

# When to Report Transactions

FILING DEADLINE : 30 days from notification or 45 days from transaction *whichever is earlier*

**A \$200 late filing fee penalty is assessed for each late periodic reporting period<sup>1</sup>**

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
<ul style="list-style-type: none"> <li>Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset</li> </ul>	No	No
Investment assets held by you, your spouse, or jointly held		
<ul style="list-style-type: none"> <li>Stocks or stock options</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>Corporate or municipal bonds (exclude U.S. Treasury securities)</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>Commodity futures</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>Other investment securities</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>Assets listed above in your individual, joint, or spousal brokerage accounts managed accounts, IRAs, other retirement accounts, and/or other investment vehicles</li> </ul>	Yes	Yes
Your dependent child's investment assets		
<ul style="list-style-type: none"> <li>Stocks</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>Corporate or municipal bonds (exclude U.S. Treasury securities)</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>commodity futures</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>other investment securities</li> </ul>	Yes	Yes
<ul style="list-style-type: none"> <li>Assets listed above in dependent child's <u>own</u> or UGMA brokerage account, IRAs, and/or other investment vehicles</li> </ul>	Yes	Yes
Other investment assets irrespective of ownership		
<ul style="list-style-type: none"> <li>Real Property</li> </ul>	No	Yes <sup>2</sup>
<ul style="list-style-type: none"> <li>Mutual funds, exchange traded funds, 529 plans, index funds, and/or other "excepted investment funds"<sup>3</sup></li> </ul>	No	Yes
<ul style="list-style-type: none"> <li>Any asset in which the transaction amount is \$1,000 or less</li> </ul>	No	No
<ul style="list-style-type: none"> <li>Cash accounts (deposits and/or withdrawals) or certificates of deposit</li> </ul>	No	No
<ul style="list-style-type: none"> <li>Money market accounts and mutual funds</li> </ul>	No	No
<ul style="list-style-type: none"> <li>US Treasury securities (e.g., T bills, Treasury bonds, savings bonds)</li> </ul>	No	No
<ul style="list-style-type: none"> <li>Federal government retirement accounts (e.g., Thrift Savings Plan)</li> </ul>	No	No
<ul style="list-style-type: none"> <li>Life insurance and annuities</li> </ul>	No	No
<ul style="list-style-type: none"> <li>Collectibles</li> </ul>	No	No
<ul style="list-style-type: none"> <li>Assets held within an excepted trust<sup>4</sup></li> </ul>	No	No
<ul style="list-style-type: none"> <li>Transfer of assets between you, your spouse, and your dependent children</li> </ul>	No	No

Last updated November 2020

<sup>1</sup> This late fee is automatically imposed by law and is non-negotiable. You may request a waiver of any late filing fee from the Designated Agency Ethics Official or the Alternate DAEO if there are extraordinary circumstances. A fee waiver is at the sole discretion of the DAEO/ADAEO and is not subject to appeal. A filer who has unpaid late fees will be referred to the appropriate federal office or agency for debt collection procedures.

<sup>2</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

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<sup>3</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>4</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).

The reporting periods for the OGE Form 278e vary depending on the type of report being filed.

Part	Report Information for the Following Period...			
	Nominee,  New Entrant, and Candidate	Annual	Termination	Annual / Termination
1. Filer's Positions Held Outside United States Government	Preceding Two Calendar Years to Filing Date	Preceding Calendar Year to Filing Date	Current Calendar Year to Term Date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)	Preceding Calendar Year to Term Date
2. Filer's Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
3. Filer's Employment Agreements and Arrangements	As of Filing Date	Preceding Calendar Year to Filing Date	Same as Part 1	Same as Part 1
4. Filer's Sources of Compensation Exceeding \$5,000 in a Year	Preceding Two Calendar Years to Filing Date (n/a for Candidates)	N/A – Leave this Part blank	N/A – Leave this Part blank	N/A – Leave this Part blank
5. Spouse's Employment Assets & Income and Retirement Accounts	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
6. Other Assets and Income	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
7. Transactions	N/A – Leave this Part blank	Preceding Calendar Year <sup>2</sup>	Same as Part 1 <sup>2</sup>	Same as Part 1 <sup>2</sup>
8. Liabilities	Preceding Calendar Year to Filing Date <sup>1</sup>	Preceding Calendar Year	Same as Part 1	Same as Part 1
9. Gifts and Travel Reimbursements	N/A – Leave this Part blank	Preceding Calendar Year <sup>3</sup>	Same as Part 1 <sup>3</sup>	Same as Part 1 <sup>3</sup>

1. For example, if today is March 3, 2019, the reporting period would run from January 1, 2018, to March 3, 2019. When valuing assets and liabilities, the filer may choose any date that is fewer than 31 days before the filing date.

2. Filers do not need to include any period when they were not a public financial disclosure filer or an employee of the United States Government.

3. Filers do not need to include any period when they were not an employee of the United States Government.

#### Extensions Do Not Change the Reporting Period

The reporting period is tied to a report's original due date and is unaffected by any extensions. For example, a New Entrant report was originally due December 14, 2019. The filer received a 30-day extension and filed January 8, 2020. The Part 2 reporting period would start on January 1, 2018, and end on December 14, 2019.

**From:** [Fine, Philip](#)  
**To:** [ethics](#)  
**Subject:** Biden Ethics Pledge for digital signature -pfine signed.pdf  
**Date:** Friday, January 22, 2021 2:10:56 PM  
**Attachments:** [Biden Ethics Pledge for digital signature -pfine signed.pdf](#)

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## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Fine, Philip

Signature



Digitally signed by Fine, Philip  
Date: 2021.01.22 11:09:32 -08'00'

01/22

Date

21

, 20

Name (Type or Print): Philip M. Fine

**From:** [Fugh, Justina](#)  
**To:** [Fine, Philip](#)  
**Subject:** RE: thanks for making the adjustments to your report!  
**Date:** Monday, February 1, 2021 11:00:00 PM

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Fabulous! I'll certify your report now!

Thanks!

justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Fine, Philip <Fine.Philip@epa.gov>  
**Sent:** Monday, February 01, 2021 10:55 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: thanks for making the adjustments to your report!  
That look great. Thank you!

Sent from my iPhone

On Feb 1, 2021, at 6:41 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi there,

Based on your responses, I've clarified your report as follows (see below). If you're okay with these changes, then just email me and I'll certify your form (it's still pending with me).

(b) (5), (b) (5) (A)

I [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

I [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

I [REDACTED] [REDACTED] [REDACTED] [REDACTED]

I [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

I [REDACTED] [REDACTED] [REDACTED] [REDACTED]

I [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]  
[REDACTED] Since you entered "none or less than \$201" for both the value and the income, I deleted it.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Adhar, Radha](#); [Katims, Casey](#); [Keith, Jennie](#); [Clarke, Victoria](#)  
**Subject:** General discussion: OCIR/Ethics

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Your friends in OGC/Ethics want to talk with you about anticipating ethics and Hatch Act issues you might encounter and how to avoid them. This is an introductory meeting only (no need to prepare or be worried!) so that we can identify likely areas of concern and then coordinate on tailoring information sessions for your staff and/or regional contacts.

---

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting (b) (6)

Or call in (audio only)

(b) (6) United States, Washington DC

Phone Conference ID: (b) (6)

Find a local number <<https://dialin.teams.microsoft.com/556a4b78-4afd-4fe6-b721-1d903e8cdaa6?id=685614827>> | Reset PIN  
<<https://mysettings.lync.com/pstnconferencing>>

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**From:** [Adhar, Radha](#)  
**To:** [Fugh, Justina](#)  
**Cc:** [Keith, Jennie](#)  
**Subject:** RE: Invitation from Senator Cramer for listening session  
**Date:** Tuesday, May 25, 2021 3:49:27 PM

---

Thank you!!

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, May 25, 2021 3:39 PM  
**To:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Cc:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Invitation from Senator Cramer for listening session  
Ah, I see. No, I have no issues to raise with the invitation. After all, Senator Cramer is a US Senator, so part of the US government.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Sent:** Tuesday, May 25, 2021 3:19 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Invitation from Senator Cramer for listening session  
Hey Justina, thanks for your note. Senator Cramer is identifying potential attendees and we are giving feedback to determine the final guest list.  
Thanks again!  
Radha

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, May 25, 2021 3:18 PM  
**To:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Cc:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** FW: Invitation from Senator Cramer for listening session  
Hi,  
Is the Senator also inviting people or is it only EPA that is identifying attendees? I'm copying Jennie Keith on Team Ethics who works on invitations, just for her information.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Sent:** Tuesday, May 25, 2021 2:58 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** FW: Invitation from Cramer for listening session  
Hey Justina,

I wanted to ask for your help. We are going to be participating in a listening session with Senator Cramer's office and they would like to send the attached invitation to the folks we will invite. Do you have any concerns with this invitation?

Thanks in advance,

Radha

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**From:** Adhar, Radha

**Sent:** Tuesday, May 25, 2021 2:33 PM

**To:** Hamilton, Lindsay <[Hamilton.Lindsay@epa.gov](mailto:Hamilton.Lindsay@epa.gov)>; Enobakhare, Rosemary <[Enobakhare.Rosemary@epa.gov](mailto:Enobakhare.Rosemary@epa.gov)>

**Subject:** Invitation from Cramer for listening session

Hey guys, is this invitation ok with y'all?

**From:** [Fugh, Justina](#)  
**To:** [Adhar, Radha](#)  
**Subject:** Re: REMINDER: Please turn your attention to your financial disclosure report  
**Date:** Monday, April 19, 2021 10:02:54 AM

Sure! I am technically off today but am free in the afternoon until about 4

Sent from my iPhone

On Apr 19, 2021, at 9:45 AM, Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)> wrote:

Yes ma am may I add something to your calendar?

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Monday, April 19, 2021 9:08 AM  
**To:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Subject:** RE: REMINDER: Please turn your attention to your financial disclosure report

Hi,  
Shall we set up a Teams call so that I can help you?  
Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Sent:** Sunday, April 18, 2021 9:42 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: REMINDER: Please turn your attention to your financial disclosure report

Hey Justina!

I think I was able to fix my form, but I am not sure where to put the underlying assests for my various assets. Also, if I am (b) (6), do I need to list it?

Thanks in advance,  
Radha

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Thursday, April 15, 2021 11:36 AM  
**To:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Subject:** RE: REMINDER: Please turn your attention to your financial disclosure report

Hi Radha,  
We'll wait until after this weekend. But if you need any help, just send me an email – even over the weekend!  
Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Sent:** Thursday, April 15, 2021 10:15 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: REMINDER: Please turn your attention to your financial disclosure report

Hey Justina, I have it on my calendar for this weekend- is that too late? I will turn to it asap if it is and apologize for the headache!

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Wednesday, April 14, 2021 11:19 PM  
**To:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Subject:** REMINDER: Please turn your attention to your financial disclosure report

Hi Radha,  
Thanks for initially submitting your financial disclosure report back on 3/17/21, but I returned it to you on 3/29/21 for additional work and gave you 2 weeks to update your report. You haven't made any changes. The reason for my concern is that your report has been requested for release and, by law, we have to release it within 30 days of submission, no matter what shape the report is in. We prefer to release reports after we have certified it as having no conflicts issues. But we can't certify your report until you correct the report as indicated below:

Comments of Reviewing Officials (not publicly displayed on report):

PART	#	REFERENCE	COMMENT
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[illegible]

What can we do to help you finalize your report?  
Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Adhar, Radha](#)  
**Subject:** RE: reminder: we need your (b) (6) information!  
**Date:** Wednesday, May 5, 2021 10:10:00 PM

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Ha! I just certified your report. You're done!

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**From:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Sent:** Wednesday, May 05, 2021 10:07 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: reminder: we need your (b) (6) information!

Honestly, I deserve that.

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Wednesday, May 5, 2021 10:07 PM  
**To:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Subject:** RE: reminder: we need your (b) (6) information!

Hey! No treating your ethics officials! We'll buy each other lunch!

---

**From:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Sent:** Wednesday, May 05, 2021 5:54 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Re: reminder: we need your (b) (6) information!

Confirmed! I owe you lunch. And a fancy lunch.

Sent from my iPhone

On May 5, 2021, at 2:14 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi Radha,  
Aha! So we can still report the existence of (b) (6) but say that each of the underlying assets are under the reporting threshold. If that sounds right to you, then we are done! Please confirm and I can take it from there!  
Justina

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**From:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Sent:** Wednesday, May 05, 2021 8:29 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: reminder: we need your (b) (6) information!

Hey Justina just emailed them but I am 9999.9999999% sure this is not reportable.

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, May 4, 2021 11:49 PM  
**To:** Adhar, Radha <[Adhar.Radha@epa.gov](mailto:Adhar.Radha@epa.gov)>  
**Subject:** reminder: we need your (b) (6) information!

Hi Radha,

We have a statutory obligation to release your financial disclosure report upon request, no later than 30 days after we receive it. We have received a request for your report that you submitted 49 days ago. I can't certify your report until you provide me with the missing (b) (6) information. We are now overdue in releasing your form, which means it will be released uncertified, suggesting that there is something wrong. Can you get me the missing information ASAP?

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Adhar, Radha](#)  
**Subject:** RE: Screenshot 2021-04-22 at 10.02.03 AM  
**Date:** Thursday, April 22, 2021 1:28:00 PM

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I added your (b) (6), so all we need is for you to mine your recycling bin to find the (b) (6) statement.

Thanks!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Adhar, Radha <Adhar.Radha@epa.gov>  
**Sent:** Thursday, April 22, 2021 10:22 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: Screenshot 2021-04-22 at 10.02.03 AM

Hey Justina, wanted to share this screen shot of (b) (6).

Thanks again for all your help,  
Radha

**From:** [Fugh, Justina](#)  
**To:** [Lance, Kathleen](#); [Lucey, John](#)  
**Subject:** confirmation of impartiality determination for both of you (for our records)  
**Date:** Monday, April 5, 2021 10:37:00 AM

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Hi Kathleen and John,

This note confirms that I have authorized you both to participate in specific party matters that involve the North Carolina Department of Environmental Quality (NC DEQ). Within the last year, you worked at NC DEQ but are now at EPA to support Administrator Regan as he carries out his official duties. Under President Biden's Ethics Pledge, political appointees are prohibited from participating in specific party matters in which their former employer is a party, but state government is excluded under the definition of "former employer." Therefore the Ethics Pledge does not apply to your NC DEQ employment.

Federal ethics rules, however, do not contain a similar exclusion for state or local government. Under the impartiality provisions of the Standards of Ethical Conduct for Employees of the Executive Branch, you have a "covered relationship" with the NC DEQ under 5 C.F.R. § 2635.502(b)(1)(iv). For one year after you left the NC DEQ, you cannot participate in any specific party matter in which the NC DEQ is a party or represents a party if the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality. See 5 C.F.R. § 2635.502(a). That said, the ethics regulations permit federal employees to participate in matters that might raise impartiality concerns when the interest of the federal government in your participation outweighs concern over the questioning of the "integrity of the agency's programs and operations." 5 C.F.R. § 2635.502(d).

This note formally confirms that I have authorized you to participate in particular matters in which the NC DEQ is a party. The Administrator has already been granted a limited impartiality determination to permit him to interact with NC DEQ, and you are authorized to assist him as necessary, even if your former employer is involved. I have reviewed the impartiality factors set forth under the regulations and determined that the interest of the United States Government outweigh any concerns about your impartiality.

If either of you has any questions regarding this determination, or if a situation arises in which you need advice or clarification, please feel free to contact me.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Lucey, John

Digitally signed by Lucey, John

Date: 2021.01.22 16:14:41 -05'00'

Signature

Date

Name (Type or Print): \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_

**From:** [Fugh, Justina](#)  
**To:** [Lucey, John](#)  
**Cc:** [Keith, Jennie](#)  
**Subject:** nice chatting with you!  
**Date:** Tuesday, April 6, 2021 8:44:41 PM  
**Attachments:** [6. Embedding Ethics One-Pager v2.pdf](#)  
[HOW TO REVIEW POLITICAL INVITATIONS - January 2021.doc](#)  
[POLITICAL INVITATIONS - Ground rules - January 2021.doc](#)  
[HOW TO CALCULATE POLITICAL TRAVEL Jan 2021.doc](#)

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Hi John,

Thanks for connecting with me earlier today! I'm copying Jennie Keith in OGC/Ethics who is our point person on invitations. In case you haven't met her yet, she's been working closely with Kathleen Lance on invitations and provides an "invitations" briefing session for people who support political principals. I've attached her "embedding ethics" one pager to give you a sense for what she covers.

You and I talked about possible political invitations, such as a fundraising event for a candidate for partisan election, that the Administrator may receive. I noted that we must always decline political fundraising invitation because, as federal employees, we face certain restrictions on our political activity. While We can never ever solicit, accept or receive a political contribution while we are employees, even on our own personal time. This restriction applies 24/7, so even in our personal capacities.

If you do receive political invitations, then please follow the attached rules that require coordination with my office. That file has a third page to send to the host called "Ground Rules" that I've also attached as a separate document. Because we can never use EPA dollars in connection with any political event, I've also attached our "how to" guide for determining the costs that the political entity will have to pay to reimburse EPA.

My staff and I are here to help you navigate any invitation, political or otherwise!

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

## HOW TO REVIEW POLITICAL INVITATIONS IN ACCORDANCE WITH THE HATCH ACT

The Hatch Act, 5 USC §§ 7321-7326, regulates the political activities of federal employees in the Executive Branch of the Federal government. “Political activity” is defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. Under the Hatch Act, most employees cannot participate in partisan political activity while on government time and in government facilities. However, this rule is different for PAS employees. This guidance will help you to know what the PAS employees *can* and *cannot* do.

### Who is a PAS employee?

EPA has 13 PAS positions that are **P**residential **A**ppointees confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and eight Assistant Administrators.<sup>1</sup> As of March 2021, there is one PAS incumbent at EPA.

### What are the 24/7 Hatch Act prohibitions for PASers?

- (1) Don’t use your official authority or influence to interfere with or affect an election. Don’t use your official title while participating in political activity and don’t use your authority to coerce anyone to participate in political activity. You can’t solicit, accept or receive uncompensated volunteer services from any subordinate for any political purpose.
- (2) Don’t fundraise, even in your private capacity. You can’t even let your name be used as the host of fundraiser. You can’t solicit political contributions in a speech or address at a fundraiser, and you can’t let your official title be used in connection with a fundraiser. You also can’t solicit, accept or receive volunteer services from an EPA subordinate.
- (3) Don’t run for partisan public office (without first talking to your ethics official and telling us where you live. There are a few exceptions for certain localities); and
- (4) Don’t solicit or discourage political activity from any person who is doing business with the Agency. This includes any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending in your office. It also includes any person who is the subject of an investigation, audit or enforcement action in your office. For PAS employees, this description can include a lot of people!

### How are PASers special under the Hatch Act?

Unlike most employees, EPA’s PASers can participate in political activity while on duty, on government premises, in a government vehicle, and while wearing the EPA badge. But only

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<sup>1</sup> EPA no longer has an Office of Environmental Information, so there is no position of Assistant Administrator for that office.

they can do so. The rest of the EPA employees, including Schedule Cs and non-career SESers cannot. So PASers can “talk amongst themselves” about political activity in the federal workplace, but not with anybody else.

#### The “Secret Service” exception

The Hatch Act allows limited numbers of staff to assist the PAS consistent with their official duty. For example, a security detail may accompany the Administrator, even to a political event, so long as they are providing security and not themselves participating in the political activity. Similarly, a special assistant or director of scheduling may prepare the travel and itinerary associated with a political trip even if the Administrator is engaged in political activity or a mix of official and political activity.

But this exception should not be broadened to include speech writing or any “extra” voluntary service. And the special assistant or director of scheduling can’t send a routine “thank you” note to the political organizers afterwards.

#### What happens if an EPA PAS is invited to a political event?

1) The Scheduling Staff for the PAS should **examine the invitation** to determine who issued the invitation to the PAS employee and whether it is indeed for a political event.

- Clues: is the invitation from a campaign committee to elect someone? Is the event called a “rally” or a “fundraiser” or does it use words like “get out the vote?”

2) The Scheduling Staff should **send a copy of the invitation to OGC/Ethics** for review and confirmation as to whether it is indeed a political event.

3) If the event is political, then the Scheduling Staff must do the following:

- send the requestor the EPA’s “ground rules” about political events
- ask questions about the event:
  - who is the host of the event?
  - are there any co-sponsors?
  - where will the event be held?
  - who are the anticipated invitees to the event?
  - how many people are expected to attend?
  - what is the anticipated role of the EPA PAS at the event?
- identify a contact person on the Scheduling Staff to work with OGC/Ethics
- identify a contact person on the requestor’s staff to talk to OGC/Ethics
- do not confirm attendance until the event is cleared, in writing (by email) by

OGC/Ethics

NOTE: An employee with Agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate so long as the group has not been specifically targeted as having matters before the employing office. 5 CFR 734.305.

- An example of a permitted activity: the Administrator may speak on behalf of a partisan candidate at a forum sponsored by the League of Women Voters that is expected to have more than 100 people attend. However, he is not doing so in his official capacity, so he cannot use his official title and cannot solicit funds for the candidate in his speech. He also should not say that the candidate is endorsed by the EPA.
- An example of a prohibited activity: the Administrator will not be permitted to speak at a political event that is sponsored by an environmental law firm for its clients to be held in the law firm's offices.
- OGC/Ethics will examine closely where the event is to be held and the sponsors and hosts. Scrutiny will be applied to certain entities, including lobbying organizations, law firms, for-profit and not-for-profit entities that have an environmental focus, and trade associations.

4) If the event is cleared, then the Scheduling Staff can confirm attendance, subject to the EPA's ground rules. At this point, the Scheduling Staff does the following:

- obtain a list of all of the invitees and send that list to OGC/Ethics
- obtain copies of all of the invitations and send to OGC/Ethics for review of the format
- talk to the PAS travel coordinator and OGC/Ethics about payment for any political travel
- reaffirm to the PAS that s/he cannot accept any volunteer services, including use of official speeches prepared by staff
- provide the PAS with the EPA's ground rules as part of her/his briefing package



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON D.C., 20460

**GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT**

Your organization has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your event. EPA Ethics has determined that your organization and/or the event is partisan in nature. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. He cannot use his official authority to further political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval to allow our employee to speak at your event:

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you distribute them so that our counsel can ensure compliance with federal rules.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, you will include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to EPA's Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov).

**“POLITICAL” TRAVEL:  
HOW TO CALCULATE AND COLLECT PAYMENT  
ASSOCIATED WITH POLITICAL EVENTS**

Under the Hatch Act, 5 U.S.C. §§ 7321-7326, PAS appointees are permitted to participate in partisan political activity while on government time and in government facilities. However, they cannot use their EPA official authority, including titles, in connection with the political activity. They cannot fundraise and cannot directly solicit or discourage the political participation of any person who has business pending before EPA. They cannot direct subordinates to assist them nor can they accept the volunteer political activity services of subordinates. The Hatch Act prohibits use of federal appropriated dollars to pay for any travel costs associated with political activity. This guidance will help you to know what travel expenses EPA can – and cannot – cover.

Who is a PAS appointee?

EPA has 13 PAS positions, who are **P**residential **A**ppointees confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the eight Assistant Administrators.

What is “political” travel?

As a general rule, travel by senior Administration officials is considered “political” if the primary purpose involves their positions as leaders of their political party. Travel is considered “political” when the PAS appointee is appearing at partisan political events, including conferences, political party functions, campaigning for specific candidates or attending a fundraiser (though never with reference to official position). For the purposes of this guidance, “political travel” includes local trips and trips beyond the 50-mile duty station radius. EPA funds can never be used to pay for political travel.

Who pays for political travel?

In all cases, political travel must be paid for by the political entity. For political travel in support of a presidential campaign, any mixed (meaning official + political) travel should be determined by calculating what the trip would have cost from the point of origin to the first presidential campaign-related stop and from that stop through each subsequent presidential campaign-related stop, back to the point of origin. Under this hypothetical trip formula, any activity (except for incidental contact) that is conducted at a stop means that the stop will be considered to be presidential election campaign-related. Any question or close call about the nature of a political event will be decided presumptively to be presidential election campaign-related, so the campaign must pay the appropriate travel costs.

Under this hypothetical trip formula, the presidential campaign must pay 100% of the travel costs related to any stop in which the presidential campaign-related activity occurs. If a stop includes events on behalf of the presidential campaign and another candidate’s campaign committee on the same day, then the presidential campaign will pay all of travel costs for that stop. The other candidate’s campaign committee will not pay any of the PASer’s travel costs in that instance.

What is not “political” travel?

Speeches to groups in support of Administration positions, whether or not related to environmental subjects, are generally considered “official” in nature. A speech before a non-partisan group, such as a Chamber of Commerce, is not partisan or political in nature if it contains no express advocacy and no direction that a particular political party’s candidates should be supported in an election campaign.

To what extent can non-PAS staff assist the PASer with political activity and travel?

Only PAS appointees can engage in political activity during normal duty hours or on government premises.

The Hatch Act permits EPA staff to provide services to the PAS appointee only to the extent that those services are ordinarily provided by them as part of their official duties and only so long as the work is purely official and not political in any way. For example, a security detail may accompany the Administrator, even to political event, so long as the detail is providing security and not actually participating in the political activity. EPA must pay the security detail’s travel.

Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the PAS employee is engaged in political activity or a mix of official and political activity. EPA staff may also prepare briefing materials associated with official Administration activities as part of their government duties, even if such materials might be included in partisan statements.

EPA staff may not, however, use duty time to prepare materials that will be used solely for “political” purposes, such as platform materials or other statements of “political” advocacy, nor can they volunteer their off-duty time to assist any EPA PAS official. The Hatch Act prohibits PAS employees from accepting volunteer political services from subordinates.

Who determines whether a trip is “political” or “official” in nature?

OGC/Ethics makes this determination. Among the factors that OGC will take into consideration are:

- Whether candidates (including incumbents seeking reelection) will be present at the event and, if so, the nature of their role (if non-incumbent candidates are present, then it is likely that the event is political);
- Who else will be speaking at the event, and who will be in the target audience (if party officials will be speaking to known donors, for example, then the event is most likely political);
- The relationship, if any, between the event and official agency business (a strong relationship to official business is likely to make the event official);
- Whether the event was scheduled prior to the involvement of a candidate (an employee’s agreement to participate absent political involvement suggests an official motive for the event);
- The official’s motivation for attending the event (e.g., changing the location of official



events in order maximize media attention for incumbents suggests a predominantly political motive for the event);

- The frequency of similar types of events during non-election years and whether agency officials participated in such events in those years (frequent participation suggests an official purpose, while campaign year participation only suggests otherwise);
- The proximity of the event to the date of the election (e.g., holding open-press events with incumbents in targeted races as part of a “final push” before an election);
- Whether the event is closed or open to the media (a strong media presence coupled with candidate appearances suggests a political motivation); and
- The content of prepared remarks and remarks actually made at the event by the official and other speakers (references to a campaign or election will likely make the event political).

Can a trip contain both “political” and “official” elements?

Yes, but OGC/Ethics must work with the PASer’s staff to apportion the costs between EPA and the political sponsor or campaign. EPA travel funds CANNOT be used for political travel!

How does EPA apportion the costs of a trip?

When events involve a mix of political and official travel, then OGC/Ethics works with the PASer’s travel staff to identify all travel costs and applies the following “hard-time formula” to determine which costs are associated with political activity and which costs are associated with official duty:

Time spent in official meetings, receptions, etc.	+	Time spent in political meetings, receptions, rallies	=	Total activity time
<u>Time spent in official activity</u>			=	Percentage of trip that is official
Total activity time				
<u>Time spent in political activity</u>			=	Percentage of trip that is political
Total activity time				

EXAMPLE: A PAS employee travels to Chicago and spends 3 hours on official business in the regional office, and then spends 2 hours on political activity. EPA should pay 3/5ths of the total cost of the trip while the political sponsor pays 2/5ths of the total costs.

NOTE: In a presidential election, however, then the campaign will pay for ALL of the costs using the “hypothetical” formula instead of the “hard time” formula.

#### HELPFUL HINTS:

- ⇒ Do not apply the “hard time” allocation to expenses that are solely one type or another.
  - An expense to rent a sound system for a political event must be paid in its entirety by the political sponsor. Similarly, a registration fee to attend a conference in official capacity must be paid in its entirety by the Agency.
- ⇒ In allocating costs other than air travel (e.g., lodging or per diem), use the government maximum for that type of expense.
  - If a mixed trip is 50% official and 50% political, and the government per diem rate is \$140, then the maximum per diem expense chargeable to the government is 50% of \$140, not 50% of the actual cost.
- ⇒ Any questions should be resolved in favor of charging EPA less and the political sponsor more.

#### What is the process for seeking and receiving payment from a political sponsor?

- 1) The PAS travel coordinator and/or administrative staff must consult OGC/Ethics to determine whether the trip is political, official or mixed. This determination must be made by OGC/Ethics in writing.
- 2) OGC/Ethics verifies with the scheduling staff and the political sponsor that the political sponsor understands it will be paying for all political travel. A copy of this correspondence must be included in the official travel record.
- 3) EPA makes all travel arrangements, prepares the travel authorization (TA), and arranges for EPA to pay the travel expenses. In this way, the Agency maintains control over the PAS appointee’s schedule and ensures that s/he is eligible for city pair fares and the government rate, and gets refundable tickets in the event of a change in reservations.

The TA must include a statement that the PAS appointee is traveling for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses. In this way, EPA’s Finance Center is alerted to the fact that it will pay the PAS appointee for the travel using EPA funds, but that EPA will obtain reimbursement from a third-party. When the payment arrives, EPA will be able to accept the money directly. It will not need to go to the US Treasury for miscellaneous receipts.

4) The PAS travel coordinator, the PAS scheduling staff and OGC/Ethics review the planned itinerary to identify all politically-related travel costs and to approximate the time spent in political activity. The PAS travel coordinator, in consultation with OGC/Ethics, prepares the “travel record.”

5) Upon return from the trip, the PAS employee provides all receipts to the PAS travel coordinator to prepare the travel voucher. The voucher must include a statement that the PAS employee traveled for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses.

6) OGC/Ethics calculates the political expenses. For mixed political and official trips, OGC/Ethics calculates the hard-time allocation. The PAS travel coordinator includes the completed “event worksheet” in the official travel record.

7) OGC/Ethics writes to the political sponsor for payment in the form of a check made out to US EPA. The check must be sent to the PAS travel coordinator. Upon receipt, the PAS travel coordinator verifies that the amount received is at least the same as the amount requested, then notifies OGC/Ethics that the reimbursement has arrived. The PAS travel coordinator writes the DCN number and TA number on the check and sends it to Finance so that the EPA travel budget can be reimbursed. A copy of the check must be included with the official travel record.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON D.C., 20460

**GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT**

Your organization has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your event. EPA Ethics has determined that your organization and/or the event is partisan in nature. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. He cannot use his official authority to further political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval to allow our employee to speak at your event:

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you distribute them so that our counsel can ensure compliance with federal rules.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, you will include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to EPA's Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov).

**From:** [Lucey, John](#)  
**To:** [Fugh, Justina](#)  
**Subject:** RE: new email, new due date for your financial disclosure report  
**Date:** Monday, February 22, 2021 10:23:57 AM

Hi Justina,  
I am just now seeing your out of office email – I sincerely apologize for calling you out of the blue for my low-hanging fruit questions! Thanks again for your assistance. Per our conversation, I updated the naming of my (b) (6)

I hope this captures our conversation, but at your convenience please don't hesitate to let me know if there are any questions or concerns I can help with.  
Best,  
John

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Saturday, February 20, 2021 4:47 PM  
**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>  
**Subject:** RE: new email, new due date for your financial disclosure report

Hi John,

Thanks for submitting your new entrant report. You did a really good job, but now I have to do my pesky job (sorry!). I need more specificity, please, about your (b) (6), so I've returned the report to you. Here are the comments embedded in the report. If you want to talk about the comments or what additional information we need, just give me a shout.

Comments of Reviewing Officials (not publicly displayed on report):

PART	#	REFERENCE	COMMENT
(b) (6), (b) (3)			

Thanks!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>  
**Sent:** Friday, February 19, 2021 1:26 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: new email, new due date for your financial disclosure report

Hi Justina,

I have just submitted my form. If there are any questions or concerns that I can assist with, please do not hesitate to let me know!

Best,

John

John Lucey

Special Assistant to the Administrator

U.S. Environmental Protection Agency

[lucey.john.d@epa.gov](mailto:lucey.john.d@epa.gov)

Cell: (202) 941-1112

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, February 16, 2021 10:51 PM  
**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>  
**Cc:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>  
**Subject:** new email, new due date for your financial disclosure report

Hi there,

I've corrected our error in your EPA email address so now your account is [Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov) (with your middle initial). I've pushed out the notification and a renewed assignment, this time with a 31 day extension of time. Your report is now due 3/22/21. I'm the person in our office who is your point of contact for helping with your report, so let me know if you need anything!

Good luck!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Mosley, Ferne  
**Sent:** Tuesday, February 16, 2021 4:39 PM

**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>

**Subject:** RE: Integrity Log In

OK, I see the problem! Your email address that we have in Integrity ([Lucey.John@epa.gov](mailto:Lucey.John@epa.gov)) is not your correct EPA email - your EPA email has your middle initial, [Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov), so I'll work on changing it.

Ferne

*Ferne L. Mosley, Attorney-Advisor*

U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

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**From:** Mosley, Ferne

**Sent:** Tuesday, February 16, 2021 4:35 PM

**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>

**Subject:** RE: Integrity Log In

Yes, that's fine...we know you all are busy getting on board, so it's not a problem. Let me work to figure out the problem. As soon as it's fixed, I'll let you know and you can get started.

Ferne

*Ferne L. Mosley, Attorney-Advisor*

U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

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**From:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>

**Sent:** Tuesday, February 16, 2021 4:33 PM

**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Subject:** RE: Integrity Log In

Would that be okay? I'm so sorry I'm just now getting around to doing this, two days before the due date! Any extension or way I can get access to knock it out would be greatly appreciated.

---

**From:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Sent:** Tuesday, February 16, 2021 4:32 PM

**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>

**Subject:** RE: Integrity Log In

Oh no! Ok, then let me work with the Integrity help desk. I can give you a 30 day extension to file the report, will that work? I don't want you to be late due to this technicality.

Ferne

*Ferne L. Mosley, Attorney-Advisor*

U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

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**From:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>

**Sent:** Tuesday, February 16, 2021 4:31 PM

**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Subject:** RE: Integrity Log In

Hi Ferne,

Sorry for the confusion. I do not have anything in my spam folder, other than the email I forwarded to you from Justina, I haven't received any further dialogue.

The log in is where I'm having my issues. Unfortunately I cannot open the link that you forwarded to the instructional video as it also requires a log-in. I do not have a "PIV/CAC" log in and when I try to go with "User ID" log-in, it said that my email address (both this work email and my personal email) are not recognized. I can try to go through the system with a "forgot password", but it states that my email is not connected to any known account.

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**From:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Sent:** Tuesday, February 16, 2021 4:18 PM

**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>

**Subject:** RE: Integrity Log In

John, your report has been assigned, so I'm not sure why you are having trouble, but I've included this short video that walks you through the steps to complete the report in Integrity. You have to log in to the electronic system at [www.integrity.gov](http://www.integrity.gov). There should be an email from Integrity when your report was assigned, but in case it may have gone to your spam/junk folder, I'm including the instruction video to assist you.

<https://community.max.gov/download/attachments/774439146/3.Logging.in.mp4?version=1&modificationDate=1439574674287&api=v2>

If you don't see your report in "my tasks," let me know.

Sincerely, Ferne

*Ferne L. Mosley, Attorney-Advisor*

U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

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**From:** ethics  
**Sent:** Tuesday, February 16, 2021 4:01 PM  
**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>; ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>  
**Subject:** RE: Integrity Log In  
Oh, I'm sorry – let me see what the issue is with your assignment.

*Ferne L. Mosley, Attorney-Advisor*  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

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**From:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>  
**Sent:** Tuesday, February 16, 2021 4:00 PM  
**To:** ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>  
**Subject:** RE: Integrity Log In

Hello Ferne,  
Apologies for the confusion – I was one of the onboarded political appointees and believe that I have only until February 19<sup>th</sup> (one month from my start date) to fill out my public report. If you are saying that is not the case and I can just wait for the annual report assignment next week, that is great and I apologize for the inconvenience.  
John Lucey  
Special Assistant to the Administrator  
U.S. Environmental Protection Agency  
[lucey.john.d@epa.gov](mailto:lucey.john.d@epa.gov)  
Cell: (202) 941-1112

---

**From:** ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>  
**Sent:** Tuesday, February 16, 2021 3:58 PM  
**To:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>; ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>  
**Subject:** RE: Integrity Log In

Hello, we have not yet made the assignments for the annual reports as we've had to offboard and onboard over 100 political appointees in January-February due to transition and they all file the public reports. We plan to get the annual reports assigned within the next week. You will receive an email when the assignment is made.

Thanks for your patience.

Sincerely, Ferne  
*Ferne L. Mosley, Attorney-Advisor*  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

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**From:** Lucey, John <[Lucey.John.D@epa.gov](mailto:Lucey.John.D@epa.gov)>  
**Sent:** Tuesday, February 16, 2021 3:54 PM  
**To:** ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>  
**Subject:** Integrity Log In

Hello,  
I have not received any communication from integrity gov for log-in information to complete my financial disclosure form. Could you please resend?  
John Lucey  
Special Assistant to the Administrator  
U.S. Environmental Protection Agency  
[lucey.john.d@epa.gov](mailto:lucey.john.d@epa.gov)  
Cell: (202) 941-1112

**From:** [Lucey, John](#)  
**To:** [Mosley, Ferne](#)  
**Cc:** [Fugh, Justina](#); [Keith, Jennie](#)  
**Subject:** RE: Question  
**Date:** Monday, January 10, 2022 4:51:18 PM

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Thank you for the quick response, Ferne and team!

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**From:** Mosley, Ferne <mosley.ferne@epa.gov>  
**Sent:** Monday, January 10, 2022 4:41 PM  
**To:** Lucey, John <Lucey.John.D@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** Question

Hi, John - Justina is off today, so Jennie asked me to address your question below. We don't have any ethics concerns with you being a student in a class taught by an EPA employee. You don't have a relationship as a student that is covered by the ethics rules that would prevent you from taking the class or require any action on your part, and the person is teaching the class in his/her personal capacity.

Just be sure that you don't use any government time to attend or prepare for your classes or misuse your government title while performing your personal activities.

Thanks for thinking of us!

Sincerely, Ferne

*Ferne L. Mosley, Attorney-Advisor*  
Office of the General Counsel/Ethics Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW WJC Bldg, (North)  
Washington, DC 20460  
202-306-2998 (mobile)  
202-564-8046 (desk)

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**From:** Lucey, John <[Lucey.John.D@epa.gov](#)>  
**Sent:** Monday, January 10, 2022 2:17 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](#)>  
**Subject:** Question RE: my Attendance in Law School

Hi Jennie,

I'm probably too late in the month to still be wishing you a Happy New Year, but I do hope the year has been treating you well so far!



I've got a question for you RE: my attendance at the (b) (6). I have enrolled for classes for this upcoming semester and one of the few courses that I am eligible to take, that works with my schedule, happens to be taught by an employee at EPA. I was hoping I could connect with you to talk through any questions or concerns you may have. I apologize it is so last minute, but I was approved to enroll just this past week and classes do start up in the next few days. I can be available at your convenience.

Any insight you can help provide would be greatly appreciated!

Best,

John

John Lucey  
Special Assistant to the Administrator  
U.S. Environmental Protection Agency  
[lucey.john.d@epa.gov](mailto:lucey.john.d@epa.gov)  
Cell: (202) 941-1112

**From:** [Fugh, Justina](#)  
**To:** [Blythers, Dorien](#); [Freedhoff, Michal](#); [Lance, Kathleen](#); [Mayock, Andrew](#); [Mercado Violand, Fernando](#)  
**Cc:** [Mosley, Ferne](#); [Clarke, Victoria](#); [Griffo, Shannon](#); [Ross, Margaret](#); [Keith, Jennie](#); [Payne, James \(Jim\)](#)  
**Subject:** Ethics Training (alas, it's mandatory)  
**Attachments:** [Ethics Briefing Packet for Political Appointees.pdf](#)  
[Biden Ethics Pledge for digital signature.pdf](#)

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Welcome to EPA! As a new employee, you are required to have one hour of initial ethics training. We love for you to take the training in your first week. Don't worry, we try hard to make it bearable! Attached is the briefing material for your reference as well as the Biden ethics pledge that you'll need to sign.

Looking forward to talking to you and seeing you virtually tomorrow!

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Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting [\(b\) \(6\)](#)

Or call in (audio only)

[\(b\) \(6\)](#) United States, Washington DC

Phone Conference ID: [\(b\) \(6\)](#)

Find a local number <<https://dialin.teams.microsoft.com/556a4b78-4afd-4fe6-b721-1d903e8cdaa6?id=474134161>> | Reset PIN  
<<https://mysettings.lync.com/pstnconferencing>>

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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## Ethics Briefing

### 1. The Ethics Program at the Environmental Protection Agency

You have ethics officials in the Office of General Counsel who can assist you:

<b>Jim Payne</b> Designated Agency Ethics Official (202) 564-0212 <a href="mailto:payne.james@epa.gov">payne.james@epa.gov</a>	
<b>Justina Fugh</b> Alternate Agency Ethics Official and Director of Ethics Office (202) 564-1786 <a href="mailto:fugh.justina@epa.gov">fugh.justina@epa.gov</a>	
<b>Shannon Griffo</b> Ethics Attorney (202) 564-7061 <a href="mailto:griffo.shannon@epa.gov">griffo.shannon@epa.gov</a>	<b>Margaret Ross</b> Ethics Officer (202) 564-3221 <a href="mailto:ross.margaret@epa.gov">ross.margaret@epa.gov</a>
<b>Jennie Keith</b> Ethics Officer (202) 564-3412 <a href="mailto:keith.jennie@epa.gov">keith.jennie@epa.gov</a>	<b>Victoria Clarke</b> Ethics Attorney 202-564-1149 <a href="mailto:clarke.victoria@epa.gov">clarke.victoria@epa.gov</a>
<b>Ferne Mosley</b> Ethics Attorney (202) 564-8046 <a href="mailto:mosley.ferne@epa.gov">mosley.ferne@epa.gov</a>	<b>OGC/Ethics</b> All Staff and Helpline (202) 564-2200 <a href="mailto:ethics@epa.gov">ethics@epa.gov</a>

You can also visit the [OGC/Ethics SharePoint site](#) for more information.

### 2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the United States and that we are not putting personal or private interests ahead of the public trust. There are 14 principles that form your [basic obligation of public service](#) that we'll address in this briefing material.

### 3. The President's Executive Order (for political appointees only)

On January 20, 2021, President Biden issued an Executive Order that includes an ethics pledge you must sign as a condition of your appointment. You are agreeing to a broader "ethics in government" plan to restore and maintain public trust in government, so please review the preamble carefully. The significant points of the pledge itself are described below:

*If you were a federally registered lobbyist or registered foreign agent in the past 2 years:*

- For the next 2 years, do not participate in any particular matter on which you lobbied or were registrable for under the Foreign Agents Registration Act within the previous 2 years and do not participate in the specific issue area in which that particular matter falls.
- Do not seek or accept employment with any government agency that you lobbied or engaged in registrable activity under FARA within the past 2 years.

*While you are a federally employee:*

- Do not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions (e.g., preexisting personal relationship, discount or benefit available to all government employees) but check with an ethics official for guidance.
- For 2 years from the date of your appointment, do not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients, including regulations and contracts.
  - Note: The definition of *former employer* excludes the federal government, state or local governments, D.C., Native American tribes, U.S. territories or possessions, or any international organization in which the U.S. is a member state. But under the federal impartiality rules, you will still have a one-year cooling off period with those entities (except if your former employer was already the US government).
- Any hiring or other employment decisions that you make will be based on the candidate's qualifications, competence and experience.
- Do not accept any salary or cash payment or any other non-cash benefit from a former employer for entering into government service.

*When you leave federal service, you are agreeing to the following:*

- If you are a "senior employee" subject to the one-year cooling off period under 18 U.S.C. § 207(c), your cooling off period will be extended by another year, for a total of two years.
- If you are a "senior employee" subject to either 18 U.S.C. § 207(c) or (d), for one year following your departure from federal service, you will not work behind the scenes to materially assist others in making communications or appearances to the United States Government that you would otherwise be unable to make under the post-employment restrictions.
- You will not lobby any covered executive branch official or non-career SES appointee for the remainder of this Administration or for 2 years following the end of your appointment, whichever is later.
- You will not engage in any activity on behalf of a foreign government or foreign political party

that would require you to register under the Foreign Agents Registration Act for the remainder of this Administrator or 2 years following the end of your appointment, whichever is later.

A copy of the Executive Order and the Biden Ethics Pledge that you must sign are included in this packet of materials.

#### **4. Financial Disclosure Reporting**

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant (PAS appointees have an additional requirement for a specialized one-on-one ethics briefing), and also required to have one hour of ethics training each year. The Ethics Office in the Office of General Counsel (OGC/Ethics) provides your training either in person or virtually.

You must report any transaction of securities (stocks or bonds) over \$1000 on a periodic basis in INTEGRITY using the 278T. These periodic transactions must be reported the earlier of 30 days after learning of the transaction or 45 days after the transaction takes place. Failure to file timely results in late fees that are assessed as a matter of law.

In addition, you are required to notify OGC/Ethics within three days of beginning to negotiate for employment with any non-federal entity. To do so, use our Notification of Negotiation form.

Included in this packet of materials are reminders about the types of transactions that are to be reported periodically and not being tardy in filing any reports with OGC/Ethics.

#### **5. Attorney Client Privilege & FOIA**

By regulation, disclosure by an employee to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. § 2635.107(b). This means that if our records (or yours) are requested under the Freedom of Information Act (FOIA), then we will not be able to redact our advice to you using the attorney-client privilege. However, we can -- and do -- assert personal privacy and deliberative process privileges where applicable. For example, the deliberative process privilege may apply to pre-decisional ethics advice documents, but please note that our final advice to you is generally releasable.

This should **not** stop you from seeking the advice of your ethics officials! Not only does it show you are being a steward of the public trust, but good faith reliance on advice received from your ethics officials after disclosing all relevant facts can shield you from disciplinary action and is a factor that the Department of Justice considers when deciding which cases they wish to prosecute.

#### **6. Conflicts of Interest**

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially* in *any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.

Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So, you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

## **7. Appearance of a Loss of Impartiality**

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or (if applicable) your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties.

When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

## **8. No representation back to the federal government**

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statutes, 18 U.S.C. §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

## **9. Acceptance of Gifts**

Be careful of any gift from people outside the Agency, particularly those that are worth more than \$20. Gifts are anything of value and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding \$10 from EPA employees, nor give gifts exceeding \$10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you provided that person is not your supervisor.

## **10. Attendance at Widely-Attended Gatherings (ethics check required)**

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclosure report if it exceeds the reporting threshold. For political appointees, though, please bear in mind that this exception does not apply to federally registered lobbyists. Political appointees cannot accept free attendance at a widely attended gathering that is sponsored by or hosted by a federally registered lobbyist.

### **IMPORTANT NOTE about Embedding Ethics into Your Calendaring Process**

Many ethics issues typically arise through the calendaring process of an EPA principal. Since you are responsible for your ethics obligations, we know you might need a little help. To assist you in navigating calendar and invitation issues, the EPA Ethics Office offers specialized assistance to you and your front office staff to advise on invitations, gifts associated with those invitations, etc. Embedding ethics is a proactive counseling practice that brings together the Principals, their staff, and local Deputy Ethics Officials to establish a process for incorporating ethics vetting into your or the Principal's calendar. Contact Jennie Keith to get started!

## **11. Travel Issues**

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from OGC/Ethics prior to the event. You can't accept such offerings on your own! We have an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See <http://intranet.epa.gov/ogc/ethics/travel.htm> . Prior to the pandemic, OGC/Ethics accepted over \$1 million each year in discretionary travel paid by non-federal sources.

## **12. Preferential Treatment of Non-Federal Entities (Endorsement)**

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of a regulated entity, a particular contractor or applicant, etc. Seek ethics advice before collaborating with non-federal entities on initiatives and events because not all of EPA's statutes allow us to cooperate with non-feds.

## **13. Political Activities**

You are now bound by the Hatch Act, which governs the political activity of federal employees, even in your personal capacity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. For example, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please see the attached chart and consult your ethics officials.

## **14. Lobbying Issues**

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.



## **15. Use of Government Personnel and Resources**

EPA policy permits employees to “limited use” of government equipment, including the telephone, copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a “good cause”). They also cannot use the internet connection for gambling or to access pornography. See EPA’s [Limited Personal Use of Government Equipment Policy](#). Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

## **16. Outside Activities**

We were advised by the Biden Presidential Transition Team that non-PAS political appointees may have outside positions that are consistent with federal ethics regulations, including the Agency’s ethics regulations. Non-Career SES and Schedule C appointees must seek prior approval from EPA Ethics for certain outside activity consistent with EPA’s Supplemental Ethics Regulations at [5 C.F.R. § 6401.103](#). Examples of activity that require prior approval are practicing a profession or teaching, speaking or writing on subjects related to EPA programs, policies or operations. While there is a *de minimis* use of government equipment, that never applies to any compensated outside activity.

Most EPA employees may not receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you’ve been assigned in the previous year, or to any ongoing Agency program, policy or operation. But if you are a non-career SES employee, then your restriction is even broader: you may not receive compensation at all for any teaching, speaking or writing that relates to your official duties or even to EPA’s general subject matter area, industry, or economic sector primarily affected by EPA’s programs and operations. [5 C.F.R. § 2635.807\(a\)\(2\)\(i\)\(E\)\(3\)](#).

Non-Career SESers must also abide by these additional restrictions:

- You are subject to the outside earned income cap that is set each January. As of January 2021, that amount is \$29,595. See [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.304](#). This amount changes each year;
- You cannot receive compensation for practicing a profession that involves a fiduciary relationship; affiliating with or being employed by a firm or other entity that provides professional services involving a fiduciary relationship; or teaching without prior approval. See note to [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.305](#);
- You may be permitted to serve as an officer or member of the board of any association, corporation or other entity, but cannot be compensated for such service. [See 5 C.F.R. § 2636.306](#); and
- You may not receive compensation for any other teaching unless specifically authorized in advance by OGC/Ethics (specifically, the Designated or Alternate Designated Agency Ethics Official listed on the first page of this briefing material). [See 5 C.F.R. § 2636.307](#).

## **17. Ethics Obligations of Supervisors**

If you are a supervisor, you must model ethical behavior for your staff. Set forth below are your additional ethics responsibilities, found at [5 C.F.R. § 2638.103](#):

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the [Standards of Conduct](#) and that subordinates know how to contact [agency ethics officials](#). Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

Your staff may ask you ethics questions, but unless you are an ethics official, you are not authorized to answer those ethics questions. If you receive an ethics question, then contact your own local Deputy Ethics Official or notify OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

## **18. Seeking Employment**

It's always odd to talk about seeking employment when we are welcoming you to EPA, but be mindful of the fact that there are restrictions that will apply. You won't be able to participate in a particular matter involving a party with which you are seeking employment, and that obligation starts as soon as you directly or indirectly contact a prospective employer, or as soon as you get a response expressing interest in you. You will need to disqualify yourself from particular matters that may affect the prospective employer.

## **19. Negotiating for Employment**

Should your pursuit of future employment advance to "negotiating" for employment with a particular entity, then you will have conflicts of interest. The financial interests of any person or entity with whom you are "negotiating" for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 U.S.C. § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to the prospective employer's industry or class.

Filers of the public financial disclosure report are further subject to the Ethics In Government Act, as amended by the STOCK Act, which requires you to notify OGC/Ethics within three days of commencing negotiations for future employment with a non-federal employer. Yes, we have a form for that notification.

## **20. Post-Government Employment - Representational Restrictions**

Even after you leave federal service, there are federal post-employment restrictions. Your pledge restrictions are supplementary to these restrictions. Your ethics officials are still available to answer your post-employment questions, even after you leave EPA. You will need to have an exit discussion with OGC/Ethics before you leave EPA, but here are the highlights of what we'll discuss regarding the federal law. You will also be bound by the additional restrictions of the Biden Ethics Pledge adumbrated on pp. 2-3 of this briefing material.

### **Lifetime bar - on particular matters that you worked on**

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. "Representation back" means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

### **2-year bar - on EPA matters pending during your last year in federal service**

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recuse yourself from a matter, you are still bound by the two-year bar. You are not permanently restricted, since you didn't work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

### **Senior Employee "cooling off restriction" – on any matter**

Depending on your rate of pay, you may be considered a "senior official" and will be restricted for one year from making any contact with EPA following your departure (under the federal ethics regulation). Political appointees have additional time restrictions under the Biden Ethics Pledge. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 3, 2021, the defining rate of pay for "senior officials" is [\\$172,395 per year](#) (excluding locality pay). If you make more than that (before locality pay), then you are a "senior employee" and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a "senior employee" and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

January 22, 2021

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh **Justina Fugh** Digitally signed by Justina Fugh  
Date: 2021.01.22 12:07:49  
-05'00'  
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at [www.oge.gov](http://www.oge.gov).

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> **Filing a late report will result in a \$200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.<sup>3</sup> **Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The <i>earlier of</i> 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov) describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

# When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>1</sup>
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" <sup>2</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>3</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

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<sup>1</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

<sup>2</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>3</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).



**REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation**

## NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name

Your telephone number\*

Date negotiation or agreement began

Your Title / Office / AAship or Region

Your email address\*

Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

*\* Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

## RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- |    | Yes                      | No                       |   |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.   |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment.          |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?  
See page 2.

**For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.**

Sign and submit to [ethics@epa.gov](mailto:ethics@epa.gov):

Your signature

OGC/Ethics Use Only:



**Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.**

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

**Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.**

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

**Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.**

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

**Need help answering these statements? Contact [ethics@epa.gov](mailto:ethics@epa.gov) to discuss.**

## Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

**Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”**

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
<b>Personal (off premises and off duty)</b>			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
<b>Affecting Official Resources</b>			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
<b>Fundraising</b>			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

\*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service

# EPA Ethics Program

Counseling Practice Area:

Vetting Invitations

## Quick Summary:

One of the more visible ways ethics issues arise are those that come up during the calendaring of events and invitations for an EPA principal and their immediate staff. The ethics issues run the whole gambit:

Recusal Obligations ♦ Gifts ♦ Fundraising ♦ Political Activity ♦ Endorsements  
President's Ethics Pledge ♦ Misuse of Position

Embedding ethics is a proactive counseling practice that brings together the Principals, their immediate staff, and Deputy Ethics Officials to establish a process for incorporating ethics vetting into the Principal's calendar. This helps and supports the EPA principal to meet their ethics obligations and maintain integrity of agency programs and operations.

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## Who:

Principals (Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators), their immediate staff, and Deputy Ethics Officials.

## What:

Preventing conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals.

## When:

Upon the appointee's start of EPA service

## Where:

Through coordination in the principal's front office and immediate staff

## Why:

Principals and other political appointees encounter frequent ethics issues arising through acceptance of external events, travel, and meetings with external participants. With increased public scrutiny and ethics legal frameworks, this is a high risk area in the ethics program. It is the principal's responsibility to avoid ethics issues and to maintain public trust in government.

## How:

To navigate these ethics issues, we establish a process, use standard event information gathering forms, and train periodically, so a principal's front office can obtain all relevant information for an event and ethics officials can advise appropriately and timely prior to acceptance.

# Executive Order on Ethics Commitments by Executive Branch Personnel

JANUARY 20, 2021 • [PRESIDENTIAL ACTIONS](#)

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“2. Revolving Door Ban — All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“3. Revolving Door Ban — Lobbyists and Registered Agents Entering Government. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

“4. Revolving Door Ban — Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

“5. Revolving Door Ban — Senior and Very Senior Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment,

I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

“6. Revolving Door Ban — Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

“7. Golden Parachute Ban. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

“8. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“9. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. For purposes of this order and the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”:

(i) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(ii) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

(iii) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.

(d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.

(g) “Lobbying activities” shall have the definition set forth in section 1602 of title 2, United States Code.

(h) “Materially assist” means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual’s subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(i) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(j) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(k) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.

(l) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to speeches or similar appearances. It does not include



clients of the appointee's former employer to whom the appointee did not personally provide services.

(m) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(n) "Participate" means to participate personally and substantially.

(o) "Government official" means any employee of the executive branch.

(p) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(q) "Pledge" means the ethics pledge set forth in section 1 of this order.

(r) "Senior White House staff" means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(s) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing:

(i) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(ii) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs 3(b) and (c) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs 3(b) and (c) of the pledge, the responsible official may consider the following factors:

(i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment;

(ii) the uniqueness of the individual's qualifications to meet the government's needs;

(iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and

(iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services, such as those required by paragraph 3(a) of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure:

(i) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;

(ii) that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;

(iii) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and

(iv) that the agency generally complies with this order.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) of this order shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall:

(i) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) of this order;

(ii) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(iii) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate:

(A) to carry out the foregoing responsibilities;

(B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees' official actions do not affect the integrity of the Government's programs and operations;

(E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;

(iv) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These recommendations shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and

(v) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service. This report shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for consideration pursuant to subsection (c) of this order.

(c) The Attorney General is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(ii) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,

January 20, 2021.

## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Signature \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_  
Date

Name (Type or Print): \_\_\_\_\_

## Griffo, Shannon

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**From:** Fugh, Justina  
**Sent:** Monday, February 1, 2021 1:11 PM  
**To:** Lance, Kathleen  
**Subject:** returning your report to you one more time (sorry!)  
**Attachments:** When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx; Advisory to political appointees about late filing fee Jan 2021.pdf

Hi Kathleen,

Thank YOU for responding so quickly! I should have checked your resume to see that you had worked at NC for more than 5 years (I only looked at what you reported as your last position). Thanks for letting me know that (b) (6). I've made a number of updates to your form, but here are my remaining questions:

- (b) (6), (b) (3) (A)
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	(b) (6), (b) (3) (C)	
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lease note, however, that if your spouse makes any purchase or sale of any individual stock worth \$1000 or more, then that transaction is reportable on a 278T (periodic transaction report) within 30 days of receiving notice and no later than 45 days after the trade itself. Failure to report such transactions timely automatically results in a \$200 late filing fee. I've attached our reminders for your information.

Okay, you are so close to being done! Thanks for tackling this report so quickly!  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Lance, Kathleen <Lance.Kathleen@epa.gov>  
Sent: Monday, February 01, 2021 9:59 AM  
To: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: RE: Integrity.gov: Report Returned

Good morning Justina,

Thank you for your comments. I have responded to the comments, and look to your guidance to ensure answers are clearly articulated.

Kindly,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

-----Original Message-----

From: Integrity.gov <notifications@integrity.gov>  
Sent: Sunday, January 31, 2021 11:50 PM

To: Lance, Kathleen <Lance.Kathleen@epa.gov>

Cc: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Integrity.gov: Report Returned

Justina Fugh requests that you amend your 2021 New Entrant Report filed 1/25/2021. You have 14 days to make the changes and submit the report back to us. Go to

(b) (6)

and scroll through your report to find entries that have check marks beside them. Click on the “+” button to see our comments or questions. After you make the necessary changes, go to the end of the report to hit the submit button. Otherwise, your report will stay with you instead of coming to us.

If you have any questions, send a note to [ethics@epa.gov](mailto:ethics@epa.gov). For additional guidance, see:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.epa.gov%2FWeb%2F278eGuide.nsf&data=04%7C01%7CFugh.Justina%40epa.gov%7C8f7039ccc4904ff9381608d8c6c1da78%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637477883187141948%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=PKqVhs66iMgXLwDFQ7%2BvcxPcLrVA96lQgtW9x2AWa1g%3D&reserved=0>

## Griffo, Shannon

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**From:** Lance, Kathleen  
**Sent:** Thursday, February 4, 2021 11:40 AM  
**To:** Fugh, Justina  
**Subject:** RE: comments about the integrity report

Thank you, Justina.

I have an email into (b) (6). They were hoping to get me the info yesterday, and think it may be today.

I may have one additional question for you regarding my husband's employer, and I will share that as soon as he breaks from meetings.

Kindly,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Thursday, February 4, 2021 11:35 AM  
**To:** Lance, Kathleen <Lance.Kathleen@epa.gov>  
**Subject:** comments about the integrity report

Hi Kathleen,

The report was still with you, so I had to use my supergirl powers to wrench it from you to make additional changes:

- (b) (6), (b) (3) (A)
- [Redacted content]

Please review the report one more time and, if all is good, submit it back to me. To do so, open up the report and look at the left hand menu. Scroll down to the "submit report" words and click there. Wait for the page to load and then scroll down to the attestation paragraph. Click yes to activate the button to actually submit the form.

Thanks,  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
Sent: Monday, February 01, 2021 9:59 AM  
To: Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
Subject: RE: Integrity.gov: Report Returned

Good morning Justina,

Thank you for your comments. I have responded to the comments, and look to your guidance to ensure answers are clearly articulated.

Kindly,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

-----Original Message-----

From: Integrity.gov <[notifications@integrity.gov](mailto:notifications@integrity.gov)>  
Sent: Sunday, January 31, 2021 11:50 PM  
To: Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
Cc: Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
Subject: Integrity.gov: Report Returned

Justina Fugh requests that you amend your 2021 New Entrant Report filed 1/25/2021. You have 14 days to make the changes and submit the report back to us. Go to

(b) (6)

and scroll through your report to find entries that have check marks beside them. Click on the "+" button to see our comments or questions. After you make the necessary changes, go to the end of the report to hit the submit button. Otherwise, your report will stay with you instead of coming to us.

If you have any questions, send a note to [ethics@epa.gov](mailto:ethics@epa.gov). For additional guidance, see:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.epa.gov%2FWeb%2F278eGuide.nsf&data=04%7C01%7CFugh.Justina%40epa.gov%7C8f7039ccc4904ff9381608d8c6c1da78%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637477883187141948%7CUnknown%7CTWFpbGZsb3d8eyJWIjoj>

[MC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6I6k1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=PKqVhs66iMgXLwDFQ7%2BvcxPcLrVA96lQgtW9x2AWa1g%3D&reserved=0](#)

**From:** [Fugh, Justina](#)  
**To:** [Lance, Kathleen](#)  
**Subject:** RE: comments about the integrity report  
**Date:** Tuesday, February 9, 2021 10:34:00 PM  
**Attachments:** [Advisory - 278 and 278T reporting obligations January 2021 digitally signed.pdf](#)  
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

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Hi Kathleen,

Oh, good of you to remember your (b) (6). If the current value in that account is zero, then it's not reportable as of right now. When he does have a balance, is it worth more than \$1000 or, when he sells, does he get income of more than \$200? If so, then it may be prudent for you to report the existence of that account now and also indicate if he got income over \$200 for selling any stock during the reporting period, which was 1/1/20 to your filing date. Remember that, going forward, when he (b) (6), you will have to report the transaction if the sale of stock is worth \$1000 or more. You'll need to go into INTEGRITY to file a 278T (periodic transaction report) within 30 days after receiving notice but not later than 45 days after the sale. I've attached our handy chart about when to report transactions, along with our nagging reminder about late filing fees. Here's how to report your (b) (6) in Part 5.

#	Description	EIF	Value	Income Type	Income Amount
1	Widgets Unlimited, ESPP account	N/A	\$1,001 - \$15,000		None (or less than \$201)

### For Your Spouse

#### Part 5

##### *Reporting an Employee Stock Purchase Plan Account*

Report an employee stock purchase plan account if the cash balance of the account was more than \$1,000 at the end of the [reporting period](#) or if your spouse [received](#) more than \$200 in income from the account during the reporting period.

Description: Provide the name of the employer and write "ESPP account" or "employee stock purchase plan account." In addition, for a privately held business, describe the line of business, unless you have already provided this information in another entry.

EIF: Select "N/A."

Value: Report the value of the account by selecting the appropriate category.

Income Type: Specify the type(s) of income if the total amount of income during the reporting period exceeded \$200.

Income Amount: Select the category corresponding to the total amount of income received during the reporting period. Most filers select "None (or less than \$201)."

##### *Reporting Stock Acquired through an Employee Stock Purchase Plan*

Report any stock that your spouse acquired as a separate line entry, using the standard instructions for [stock](#).

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Lance, Kathleen <Lance.Kathleen@epa.gov>

**Sent:** Monday, February 08, 2021 11:27 AM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Subject:** RE: comments about the integrity report

Hi Justina,

I've made the changes, but haven't hit submit because my husband has a question. (b) (6)

Thank you.

Kathleen C. Lance

Director of Scheduling and Advance

U.S. Environmental Protection Agency

Cell: (202) 941-1109

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>

**Sent:** Thursday, February 4, 2021 11:35 AM

**To:** Lance, Kathleen <Lance.Kathleen@epa.gov>

**Subject:** comments about the integrity report

Hi Kathleen,

The report was still with you, so I had to use my supergirl powers to wrench it from you to make additional changes:

- (b) (6), (b) (3) (A)
- 
- 
- 
- 
- 

Please review the report one more time and, if all is good, submit it back to me. To do so, open up the report and look at the left hand menu. Scroll down to the "submit report" words and click there. Wait for the page to load and then scroll down to the attestation paragraph. Click yes to activate the button to actually submit the form.

Thanks,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>

Sent: Monday, February 01, 2021 9:59 AM

To: Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

Subject: RE: Integrity.gov: Report Returned

Good morning Justina,

Thank you for your comments. I have responded to the comments, and look to your guidance to ensure answers are clearly articulated.

Kindly,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

-----Original Message-----

From: Integrity.gov <[notifications@integrity.gov](mailto:notifications@integrity.gov)>

Sent: Sunday, January 31, 2021 11:50 PM

To: Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>

Cc: Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

Subject: Integrity.gov: Report Returned

Justina Fugh requests that you amend your 2021 New Entrant Report filed 1/25/2021. You have 14 days to make the changes and submit the report back to us. Go to

(b) (6)

and scroll through your report to find entries that have check marks beside them. Click on the "+" button to see our comments or questions. After you make the necessary changes, go to the end of the report to hit the submit button. Otherwise, your report will stay with you instead of coming to us.

If you have any questions, send a note to [ethics@epa.gov](mailto:ethics@epa.gov). For additional guidance, see:

<https://gcc02.safelinks.protection.outlook.com/?>

[url=https%3A%2F%2Fwww2.epa.gov%2FWeb%2F278eGuide.nsf&data=04%7C01%7CFugh.Justina%40epa.gov%7C8f7039ccc4904ff9381608d8c6c1da78%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637477883187141948%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=PKqVhs66iMgXLwDFQ7%2BvcxPcLrVA96lQgtW9x2AWa1g%3D&reserved=0](https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.epa.gov%2FWeb%2F278eGuide.nsf&data=04%7C01%7CFugh.Justina%40epa.gov%7C8f7039ccc4904ff9381608d8c6c1da78%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637477883187141948%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=PKqVhs66iMgXLwDFQ7%2BvcxPcLrVA96lQgtW9x2AWa1g%3D&reserved=0)



**From:** [Lance, Kathleen](#)  
**To:** [Fugh, Justina](#); [Lucey, John](#)  
**Subject:** RE: confirmation of impartiality determination for both of you (for our records)  
**Date:** Monday, April 5, 2021 10:40:20 AM

---

Thank you, Justina. I do have follow-up questions, and would love to set a few minutes with you to discuss.

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Monday, April 5, 2021 10:37 AM  
**To:** Lance, Kathleen <Lance.Kathleen@epa.gov>; Lucey, John <Lucey.John.D@epa.gov>  
**Subject:** confirmation of impartiality determination for both of you (for our records)

Hi Kathleen and John,

This note confirms that I have authorized you both to participate in specific party matters that involve the North Carolina Department of Environmental Quality (NC DEQ). Within the last year, you worked at NC DEQ but are now at EPA to support Administrator Regan as he carries out his official duties. Under President Biden's Ethics Pledge, political appointees are prohibited from participating in specific party matters in which their former employer is a party, but state government is excluded under the definition of "former employer." Therefore the Ethics Pledge does not apply to your NC DEQ employment.

Federal ethics rules, however, do not contain a similar exclusion for state or local government. Under the impartiality provisions of the Standards of Ethical Conduct for Employees of the Executive Branch, you have a "covered relationship" with the NC DEQ under 5 C.F.R. § 2635.502(b)(1)(iv). For one year after you left the NC DEQ, you cannot participate in any specific party matter in which the NC DEQ is a party or represents a party if the circumstances would cause a reasonable person with knowledge of the relevant facts to question your impartiality. See 5 C.F.R. § 2635.502(a). That said, the ethics regulations permit federal employees to participate in matters that might raise impartiality concerns when the interest of the federal government in your participation outweighs concern over the questioning of the "integrity of the agency's programs and operations." 5 C.F.R. § 2635.502(d).

This note formally confirms that I have authorized you to participate in particular matters in which the NC DEQ is a party. The Administrator has already been granted a limited impartiality determination to permit him to interact with NC DEQ, and you are authorized to

assist him as necessary, even if your former employer is involved. I have reviewed the impartiality factors set forth under the regulations and determined that the interest of the United States Government outweigh any concerns about your impartiality.

If either of you has any questions regarding this determination, or if a situation arises in which you need advice or clarification, please feel free to contact me.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Lance, Kathleen](#)  
**Subject:** RE: Ethics question  
**Date:** Friday, April 16, 2021 9:31:00 AM

---

Hi Kathleen,

If each of the transactions (the purchase and the sale) was more than \$1000, then please go into your INTEGRITY account to submit a periodic transaction report (the 278T). That report must be submitted to us within 30 days after receiving notice of the transaction but not later than 45 days after the transactions themselves have occurred.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Lance, Kathleen <Lance.Kathleen@epa.gov>  
Sent: Friday, April 16, 2021 6:20 AM  
To: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: Ethics question

Hi Justina,

(b) (6) what should I do to reflect that  
in my financial disclosure paperwork?

Thank you!  
Kathleen

Sent from my iPhone

**From:** [Fugh, Justina](#)  
**To:** [Lance, Kathleen](#)  
**Subject:** RE: Financial Disclosure  
**Date:** Monday, February 21, 2022 10:28:00 PM

---

Hi Kathleen,  
Nope, nothing for you to update on your report at this time. But congratulations to your husband!  
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Lance, Kathleen <Lance.Kathleen@epa.gov>  
Sent: Sunday, February 20, 2022 11:18 AM  
To: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: Financial Disclosure

Hi Justina,

(b) (6). Is this something I need to fill out//update my financial disclosure docs for?

Please let me know any questions you have.

Kindly,  
Kathleen

Sent from my iPhone

**From:** [Fugh, Justina](#)  
**To:** [Lance, Kathleen](#)  
**Subject:** RE: formal notification of late fee  
**Date:** Wednesday, June 30, 2021 10:43:00 AM

---

Hi Kathleen,

This note confirms that I am waiving the late filing fee for you in this instance. We appreciate that you have taken steps to ensure no tardy filings in the future.

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Sent:** Monday, June 21, 2021 8:06 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: formal notification of late fee

Good morning Justina,

Thank you for the email, and for summarizing the facts from our conversation.

You are correct in that I mistakenly submitted the 278T report late, and that it was a one-time error, due to the reasons you have laid out below. My family is committed to transparency and timely filings moving forward, and we have established a practice to ensure no late filings will occur again.

Please consider this response as a formal request to a one-time waiver.

Please let me know if there is anything additional I can provide.

Kindly,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Sunday, June 13, 2021 7:37 PM  
**To:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Subject:** formal notification of late fee

Hi Kathleen,

As we discussed back in April, you discovered that (b) (6)

. You did not, however, report those purchases within the statutory deadline, which is 30 days after receiving notice of the trade but not later than 45 days after the trade itself. You filed your 278T reports on 4/27/21, over 80 days after the transactions themselves. Under federal law, there is an automatic \$200 late filing fee

We also discussed the fact that you were in the throes of moving to this new position in the new administration and that this was an inadvertent error that you have now resolved through increased communication with your spouse. I advised you that, under the circumstances, I would be willing to consider a waiver of the late fee if you asked. All you need to do is to formally request the waiver and, just so you know, I often grant waivers for the first oops. But that request from you must be in writing, so I need an email, please.

Thanks,  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Lance, Kathleen](#)  
**Subject:** RE: INTEGRITY news (please read)  
**Date:** Tuesday, October 26, 2021 12:24:00 PM

---

I agree: no ethics issues for you with his new employer. Congratulations to (b) (6) ! I hope he enjoys it!

---

**From:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Sent:** Tuesday, October 26, 2021 11:56 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: INTEGRITY news (please read)

Thank you, Justina. (b) (6) I have asked (b) (6) if his employer has any involvement with the EPA, and he answered they do not.

Kindly,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, October 26, 2021 10:24 AM  
**To:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Subject:** RE: INTEGRITY news (please read)

Hi Kathleen,

Correct, you do not need to file a periodic transaction report for (b) (6). But where does he work, and does he have any involvement with EPA? We just need to know if his new job presents any ethics issues for you or not.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Sent:** Monday, October 25, 2021 7:39 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: INTEGRITY news (please read)

**Importance:** High

Hi Justina,

(b) (6)

I've reviewed the attached guidance, and I don't see that a periodic transaction report is needed to be filed.

Can you please confirm?

Thank you,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Monday, August 23, 2021 11:10 AM  
**To:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Subject:** RE: INTEGRITY news (please read)

Hi Kathleen,  
Congratulations to your husband! No, nothing to report now. When you file your report next year (for CY 2021), you'll have to include his "old" employer as well as his "new" employer since he worked for both during the calendar year. If he's going to be doing something with (b) (6), though, then don't forget to file the periodic transaction report.  
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Sent:** Monday, August 23, 2021 8:25 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: INTEGRITY news (please read)

Hi Justina,

(b) (6)

Are there any reporting



requirements I need to complete?

Kindly,

Kathleen C. Lance  
Director of Scheduling and Advance  
U.S. Environmental Protection Agency  
Cell: (202) 941-1109

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Sunday, August 22, 2021 9:53 PM

**Subject:** INTEGRITY news (please read)

Hi there,

You're receiving this email because you are a public financial disclosure filer, and I've got news to share with you:

- Very soon, you won't be able to use Internet Explorer to access INTEGRITY; and
- Pay attention to your reporting obligations and deadlines. We're seeing an uptick in the number of tardy filings and late fees we've had to assess.

#### DON'T USE INTERNET EXPLORER

As you may have heard, Microsoft has announced the official end of support for Internet Explorer. What this means for you is that, going forward, you should *use a different browser* to access INTEGRITY. Later this year, we are expecting the Office of Government Ethics to launch its updated version of INTEGRITY, and it will not support Internet Explorer. Instead, you may use other browsers such as Chrome, Firefox, Safari or Edge.

#### PAY ATTENTION TO REPORTING OBLIGATIONS AND DEADLINES

You are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e) and Periodic Transaction Reports (OGE 278-Ts). The Ethics in Government Act imposes a **\$200 late fee** as a matter of law upon the late filing of an annual or termination report (more than 30 days after the due date), as well as for the late notification of transactions over \$1,000 relating to stocks, bonds, and certain other securities during a given reporting period. The due date for reporting periodic transactions is the earlier of 30 days after notification of the transaction but no later than 45 days after the transaction taking place. I've attached an ethics advisory about the late fees as well as our handy chart advising when to report transactions.

Thanks, as always, for your attention to ethics issues and your reporting requirements!  
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Lance, Kathleen](#)  
**Subject:** RE: Welcome to the wonderful world of public financial disclosure reporting!  
**Date:** Monday, January 25, 2021 2:23:00 PM

---

Yes, (b) (6) Sorry!

---

**From:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Sent:** Monday, January 25, 2021 2:14 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Welcome to the wonderful world of public financial disclosure reporting!  
Hi Justina,  
Does (b) (6) need to reported in the Liabilities section?  
Kindly,  
Kathleen

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Monday, January 25, 2021 10:55 AM  
**To:** Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>  
**Subject:** Re: Welcome to the wonderful world of public financial disclosure reporting!  
Yes, you are schedule C!

Sent from my iPhone

On Jan 25, 2021, at 10:24 AM, Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)> wrote:

Hi Justina,  
What is my "Filer Category"? In the system, it defaults to Schedule C, however there are other options.  
Thank you!

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Monday, January 25, 2021 1:05 AM  
**To:** Freedhoff, Michal <[Freedhoff.Michal@epa.gov](mailto:Freedhoff.Michal@epa.gov)>; Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>; Lance, Kathleen <[Lance.Kathleen@epa.gov](mailto:Lance.Kathleen@epa.gov)>; Mayock, Andrew <[Mayock.Andrew@epa.gov](mailto:Mayock.Andrew@epa.gov)>; Mercado Violand, Fernando <[MercadoVioland.Fernando@epa.gov](mailto:MercadoVioland.Fernando@epa.gov)>  
**Subject:** Welcome to the wonderful world of public financial disclosure reporting!  
Hi there,  
Welcome to EPA! My name is Justina Fugh, and I'm the director of the EPA Ethics Office. I've met some of you by phone and will soon meet you all virtually. For your initial ethics training, I'll go over your ethics obligations, which includes submitting the public financial disclosure report. Yes, in your position, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. Using your EPA email address, I have now assigned you a new entrant report that my staff will review. Having this information will allow us to assess your conflicts issues and then to draft recusal statements for those of you who need them. Don't worry ... we're here to help you.

## DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from your start date at EPA or 2/24/21. If you need additional time, you must contact [ethics@epa.gov](mailto:ethics@epa.gov) before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

## THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system ([www.INTEGRITY.gov](http://www.INTEGRITY.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact [ethics@epa.gov](mailto:ethics@epa.gov).

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

## REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

## REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go over this requirement during your initial ethics training, but I've also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

## YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

## HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

If you have any questions regarding this message or your obligations, then please contact me or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). Good luck with the form and remember, we can answer any questions you may have.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Adhar, Radha](#); [Blythers, Dorien](#); [Hoffer, Melissa](#); [Lance, Kathleen](#); [Mayock, Andrew](#); [Mercado Violand, Fernando](#)  
**Subject:** REMINDER to sign the Biden Ethics Pledge  
**Date:** Monday, February 1, 2021 1:53:00 PM  
**Attachments:** [Biden Ethics Pledge for digital signature.pdf](#)

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Please remember to sign the attached Biden ethics pledge and return to me or to [ethics@epa.gov](mailto:ethics@epa.gov) . This document is set up for your digital signature.

Thanks,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

**Lance, Kathleen** Digitally signed by Lance, Kathleen  
Date: 2021.02.01 14:02:55 -05'00'

Signature

Name (Type or Print):

**Kathleen Lance**

**February 1**, 20**21**  
Date

**From:** [Fugh, Justina](#)  
**To:** [Conger, Nicholas](#); [Diaz, Catherine](#); [Efron, Brent](#); [Goldberg, Ruby](#); [Kim, Eun](#); [Levy, Maxwell](#); [O'Brien, Grant](#); [Sabater, Juan](#)  
**Cc:** [Clarke, Victoria](#); [Griffo, Shannon](#); [Keith, Jennie](#)  
**Subject:** Initial Ethics Training (alas, it's mandatory)  
**Attachments:** [Ethics Briefing Packet for Political Appointees.pdf](#)  
[Biden Ethics Pledge for digital signature.pdf](#)

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Welcome to EPA and your initial ethics training! By regulation, this session is one hour long, so please be present for the entire time. Attached is the briefing material that I'll reference together with the Biden ethics pledge that you must sign and return to [ethics@epa.gov](mailto:ethics@epa.gov) <<mailto:ethics@epa.gov>>. All of you are required to file a public financial disclosure report and, before this session, you'll be notified by email of that assignment.

Looking forward to seeing you virtually soon!

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Microsoft Teams meeting

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Or call in (audio only)

[\(b\) \(6\)](#) United States, Washington DC

Phone Conference ID: [\(b\) \(6\)](#)

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By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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## Ethics Briefing

### 1. The Ethics Program at the Environmental Protection Agency

You have ethics officials in the Office of General Counsel who can assist you:

<b>Jim Payne</b> Designated Agency Ethics Official (202) 564-0212 <a href="mailto:payne.james@epa.gov">payne.james@epa.gov</a>	
<b>Justina Fugh</b> Alternate Agency Ethics Official and Director of Ethics Office (202) 564-1786 <a href="mailto:fugh.justina@epa.gov">fugh.justina@epa.gov</a>	
<b>Shannon Griffo</b> Ethics Attorney (202) 564-7061 <a href="mailto:griffo.shannon@epa.gov">griffo.shannon@epa.gov</a>	<b>Margaret Ross</b> Ethics Officer (202) 564-3221 <a href="mailto:ross.margaret@epa.gov">ross.margaret@epa.gov</a>
<b>Jennie Keith</b> Ethics Officer (202) 564-3412 <a href="mailto:keith.jennie@epa.gov">keith.jennie@epa.gov</a>	<b>Victoria Clarke</b> Ethics Attorney 202-564-1149 <a href="mailto:clarke.victoria@epa.gov">clarke.victoria@epa.gov</a>
<b>Ferne Mosley</b> Ethics Attorney (202) 564-8046 <a href="mailto:mosley.ferne@epa.gov">mosley.ferne@epa.gov</a>	<b>OGC/Ethics</b> All Staff and Helpline (202) 564-2200 <a href="mailto:ethics@epa.gov">ethics@epa.gov</a>

You can also visit the [OGC/Ethics SharePoint site](#) for more information.

### 2. The General Principles of Ethical Conduct

As public servants, we have a duty to ensure that every citizen has complete confidence in the integrity of the United States and that we are not putting personal or private interests ahead of the public trust. There are 14 principles that form your [basic obligation of public service](#) that we'll address in this briefing material.

### 3. The President's Executive Order (for political appointees only)

On January 20, 2021, President Biden issued an Executive Order that includes an ethics pledge you must sign as a condition of your appointment. You are agreeing to a broader "ethics in government" plan to restore and maintain public trust in government, so please review the preamble carefully. The significant points of the pledge itself are described below:

*If you were a federally registered lobbyist or registered foreign agent in the past 2 years:*

- For the next 2 years, do not participate in any particular matter on which you lobbied or were registrable for under the Foreign Agents Registration Act within the previous 2 years and do not participate in the specific issue area in which that particular matter falls.
- Do not seek or accept employment with any government agency that you lobbied or engaged in registrable activity under FARA within the past 2 years.

*While you are a federally employee:*

- Do not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions (e.g., preexisting personal relationship, discount or benefit available to all government employees) but check with an ethics official for guidance.
- For 2 years from the date of your appointment, do not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former clients, including regulations and contracts.
  - Note: The definition of *former employer* excludes the federal government, state or local governments, D.C., Native American tribes, U.S. territories or possessions, or any international organization in which the U.S. is a member state. But under the federal impartiality rules, you will still have a one-year cooling off period with those entities (except if your former employer was already the US government).
- Any hiring or other employment decisions that you make will be based on the candidate's qualifications, competence and experience.
- Do not accept any salary or cash payment or any other non-cash benefit from a former employer for entering into government service.

*When you leave federal service, you are agreeing to the following:*

- If you are a "senior employee" subject to the one-year cooling off period under 18 U.S.C. § 207(c), your cooling off period will be extended by another year, for a total of two years.
- If you are a "senior employee" subject to either 18 U.S.C. § 207(c) or (d), for one year following your departure from federal service, you will not work behind the scenes to materially assist others in making communications or appearances to the United States Government that you would otherwise be unable to make under the post-employment restrictions.
- You will not lobby any covered executive branch official or non-career SES appointee for the remainder of this Administration or for 2 years following the end of your appointment, whichever is later.
- You will not engage in any activity on behalf of a foreign government or foreign political party

that would require you to register under the Foreign Agents Registration Act for the remainder of this Administrator or 2 years following the end of your appointment, whichever is later.

A copy of the Executive Order and the Biden Ethics Pledge that you must sign are included in this packet of materials.

#### **4. Financial Disclosure Reporting**

In your position, you are required to complete a public financial disclosure report as you begin the federal service and every year thereafter. You will file this report in INTEGRITY, an electronic system managed by the Office of Government Ethics. When you leave EPA, you will be required to submit a termination financial disclosure report. In addition, you are required to have one hour of ethics training as a new entrant (PAS appointees have an additional requirement for a specialized one-on-one ethics briefing), and also required to have one hour of ethics training each year. The Ethics Office in the Office of General Counsel (OGC/Ethics) provides your training either in person or virtually.

You must report any transaction of securities (stocks or bonds) over \$1000 on a periodic basis in INTEGRITY using the 278T. These periodic transactions must be reported the earlier of 30 days after learning of the transaction or 45 days after the transaction takes place. Failure to file timely results in late fees that are assessed as a matter of law.

In addition, you are required to notify OGC/Ethics within three days of beginning to negotiate for employment with any non-federal entity. To do so, use our Notification of Negotiation form.

Included in this packet of materials are reminders about the types of transactions that are to be reported periodically and not being tardy in filing any reports with OGC/Ethics.

#### **5. Attorney Client Privilege & FOIA**

By regulation, disclosure by an employee to an ethics official is not protected by the attorney-client privilege. 5 C.F.R. § 2635.107(b). This means that if our records (or yours) are requested under the Freedom of Information Act (FOIA), then we will not be able to redact our advice to you using the attorney-client privilege. However, we can -- and do -- assert personal privacy and deliberative process privileges where applicable. For example, the deliberative process privilege may apply to pre-decisional ethics advice documents, but please note that our final advice to you is generally releasable.

This should **not** stop you from seeking the advice of your ethics officials! Not only does it show you are being a steward of the public trust, but good faith reliance on advice received from your ethics officials after disclosing all relevant facts can shield you from disciplinary action and is a factor that the Department of Justice considers when deciding which cases they wish to prosecute.

#### **6. Conflicts of Interest**

Do not participate as an agency official in any matter if there is an actual conflict of interest or even the appearance of a conflict of interest. It's a crime to participate *personally and substantially* in *any particular matter* in which, to your knowledge, you or a person whose interests are imputed to you has a financial interest if the particular matter will have a *direct and predictable effect* on that interest.

Example: you own a lot of stock in XYZ Corporation, which is a chemical manufacturer. If your office is considering taking an enforcement action against XYZ Corporation, you must disqualify yourself from participating in the decision. Even if your mother gave your 10-year old twins the stock, you can't participate in the matter because their interest is imputed to you.

Remember, the interests of your spouse, dependent children, general business partner, and any organization in which you serve as officer, director, trustee or employee are imputed to you. This means that, under the criminal statute, it's the same thing as if you held those assets. So, you can't participate in any particular matter that may have a financial impact on the interests that are imputed to you.

## **7. Appearance of a Loss of Impartiality**

Even if an action is not strictly prohibited, it is prudent to be careful of any action that a reasonable person with knowledge of the relevant facts may perceive as a violation of the ethics rules, or (if applicable) your ethics pledge and the Executive Order. You must avoid even the appearance of a loss of impartiality when performing official duties.

When we consider impartiality, we expand the ambit of relationships beyond the conflicts realm of "imputed interests." We consider all of your "covered relationships," which includes a lot more people: anybody with whom you have a business, contractual or financial relationship that is more than just a routine consumer transaction; any member of your household or a relative with whom you are close; the employer/partner or prospective employer/partner of your spouse, parent or dependent child; any person or organization for which you have served in the last year as an officer, agent, employee, etc.; and any organization in which you are an active participant.

You should refrain from engaging in official acts that may be perceived as an "appearance problem" by a reasonable person (and the reasonable person is not you, but rather your ethics officials).

Ethics officials can provide advice and determine whether a proposed course of action is appropriate by issuing an impartiality determination, but we cannot provide cover if you have already done the deed.

## **8. No representation back to the federal government**

As a federal employee, you are prohibited from representing the interest of any other entity back to the federal government, whether you are paid for those services or not. For the purposes of these criminal statutes, 18 U.S.C. §§ 203 and 205, it does not matter that you are representing the interests of another in your private capacity. You cannot serve as agent or attorney for another entity back to the United States on a particular matter in which the US is a party or has a direct and substantial interest.

## **9. Acceptance of Gifts**

Be careful of any gift from people outside the Agency, particularly those that are worth more than \$20. Gifts are anything of value and include allowing others to pick up the lunch tab, free tickets, invitations to receptions, and lovely fruit baskets. There are only a few exceptions, so consult your ethics officials before accepting any gift. Remember, political appointees can't take gifts from federally registered lobbyists.

EPA does not have broad Agency gift authority, so prohibited gifts must be paid for or returned. You should also not generally accept gifts exceeding \$10 from EPA employees, nor give gifts exceeding \$10 to your superiors. There are some exceptions, so check with an ethics official. By the way, you may give gifts to any EPA person who makes less money than you provided that person is not your supervisor.

## **10. Attendance at Widely-Attended Gatherings (ethics check required)**

Your ethics official must make a written determination in advance as to whether your participation and attendance at certain events meet the criteria for a "widely attended gathering" exception of the gift rule. You can't make that determination yourself (nor can the sponsor of the event). For a WAG determination, your ethics official will consider the type of event, who is attending, and whether your attendance will further an Agency interest. This analysis must be done in writing and in advance of your attending the event. Any WAG that is approved is considered a gift to you, so you will be responsible for reporting the value of the gift on your financial disclosure report if it exceeds the reporting threshold. For political appointees, though, please bear in mind that this exception does not apply to federally registered lobbyists. Political appointees cannot accept free attendance at a widely attended gathering that is sponsored by or hosted by a federally registered lobbyist.

### **IMPORTANT NOTE about Embedding Ethics into Your Calendaring Process**

Many ethics issues typically arise through the calendaring process of an EPA principal. Since you are responsible for your ethics obligations, we know you might need a little help. To assist you in navigating calendar and invitation issues, the EPA Ethics Office offers specialized assistance to you and your front office staff to advise on invitations, gifts associated with those invitations, etc. Embedding ethics is a proactive counseling practice that brings together the Principals, their staff, and local Deputy Ethics Officials to establish a process for incorporating ethics vetting into your or the Principal's calendar. Contact Jennie Keith to get started!

## **11. Travel Issues**

Approval of gifts of travel, lodging and meals from non-Federal sources for meetings and similar events must be obtained from OGC/Ethics prior to the event. You can't accept such offerings on your own! We have an electronic form that we use to process such requests, and we must report the approvals to the Office of Government Ethics twice a year. See <http://intranet.epa.gov/ogc/ethics/travel.htm> . Prior to the pandemic, OGC/Ethics accepted over \$1 million each year in discretionary travel paid by non-federal sources.

## **12. Preferential Treatment of Non-Federal Entities (Endorsement)**

Be careful about showing preferential treatment to any entity. We cannot endorse the products, services or enterprises of another, so you need to be careful about extolling the virtues of a regulated entity, a particular contractor or applicant, etc. Seek ethics advice before collaborating with non-federal entities on initiatives and events because not all of EPA's statutes allow us to cooperate with non-feds.

## **13. Political Activities**

You are now bound by the Hatch Act, which governs the political activity of federal employees, even in your personal capacity. Career SES employees are bound by even more restrictions, while Presidentially Appointed and Senate Confirmed (PAS) employees enjoy more liberties. Do not rely on what you think other people can do; find out for yourself by asking your ethics officials.

Some limitations under the Hatch Act are 24/7, meaning that you have restrictions even on your time. For example, you are never permitted to solicit, accept or receive political contributions, not even in your personal time. You can never use your EPA title or position to fundraise in connection with any political activity. Because the Hatch Act rules vary depending on your type of appointment, please see the attached chart and consult your ethics officials.

## **14. Lobbying Issues**

EPA employees cannot use appropriated funds to engage in indirect or grassroots lobbying regarding any legislative proposal. Indirect or grassroots lobbying generally means urging members of special interest groups or the general public to contact legislators to support or oppose a legislative proposal. EPA employees cannot make explicit statements to the public to contact members of Congress in support of or in opposition to a legislative proposal. Other prohibited grassroots lobbying includes an employee's explicit request, while on official time, to an outside group asking it to contact Congress to support or oppose EPA's appropriations bill.

In addition, EPA is prohibited from using appropriated funds for activities that would "tend to promote" the public to contact Congress in support of or in opposition to a legislative proposal, even if an EPA employee does not expressly state that the public should contact Congress. This activity is considered "indirect lobbying" and is prohibited. You may, after coordinating with OCIR and Public Affairs, directly contact or lobby members of Congress and their staffs regarding the Administration's legislative proposals. Again, after getting approval from OCIR, you may also educate and inform the public of the Administration's position on legislative proposals by delivering speeches and making public remarks explaining the Administration's position on a legislative proposal.

## **15. Use of Government Personnel and Resources**

EPA policy permits employees to “limited use” of government equipment, including the telephone, copying machines, fax machines, etc. Employees cannot, however, engage in outside activity or employment on government time. GSA regulations also prohibit any fundraising on federal property (except for the Combined Federal Campaign), so employees cannot raise money for their favorite charity (i.e., sell cookies, candy or wrapping paper for a “good cause”). They also cannot use the internet connection for gambling or to access pornography. See EPA’s [Limited Personal Use of Government Equipment Policy](#). Avoid using your EPA email address for personal matters, and do not use your personal email address for EPA matters.

## **16. Outside Activities**

We were advised by the Biden Presidential Transition Team that non-PAS political appointees may have outside positions that are consistent with federal ethics regulations, including the Agency’s ethics regulations. Non-Career SES and Schedule C appointees must seek prior approval from EPA Ethics for certain outside activity consistent with EPA’s Supplemental Ethics Regulations at [5 C.F.R. § 6401.103](#). Examples of activity that require prior approval are practicing a profession or teaching, speaking or writing on subjects related to EPA programs, policies or operations. While there is a *de minimis* use of government equipment, that never applies to any compensated outside activity.

Most EPA employees may not receive any compensation for teaching, speaking or writing (including consulting) that relates in significant part to your assigned EPA duties, duties to which you’ve been assigned in the previous year, or to any ongoing Agency program, policy or operation. But if you are a non-career SES employee, then your restriction is even broader: you may not receive compensation at all for any teaching, speaking or writing that relates to your official duties or even to EPA’s general subject matter area, industry, or economic sector primarily affected by EPA’s programs and operations. [5 C.F.R. § 2635.807\(a\)\(2\)\(i\)\(E\)\(3\)](#).

Non-Career SESers must also abide by these additional restrictions:

- You are subject to the outside earned income cap that is set each January. As of January 2021, that amount is \$29,595. See [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.304](#). This amount changes each year;
- You cannot receive compensation for practicing a profession that involves a fiduciary relationship; affiliating with or being employed by a firm or other entity that provides professional services involving a fiduciary relationship; or teaching without prior approval. See note to [5 C.F.R. § 2635.804\(b\)](#) and [5 C.F.R. § 2636.305](#);
- You may be permitted to serve as an officer or member of the board of any association, corporation or other entity, but cannot be compensated for such service. [See 5 C.F.R. § 2636.306](#); and
- You may not receive compensation for any other teaching unless specifically authorized in advance by OGC/Ethics (specifically, the Designated or Alternate Designated Agency Ethics Official listed on the first page of this briefing material). [See 5 C.F.R. § 2636.307](#).

## **17. Ethics Obligations of Supervisors**

If you are a supervisor, you must model ethical behavior for your staff. Set forth below are your additional ethics responsibilities, found at [5 C.F.R. § 2638.103](#):

Every supervisor in the executive branch has a heightened personal responsibility for advancing government ethics. It is imperative that supervisors serve as models of ethical behavior for subordinates. Supervisors have a responsibility to help ensure that subordinates are aware of their ethical obligations under the [Standards of Conduct](#) and that subordinates know how to contact [agency ethics officials](#). Supervisors are also responsible for working with agency ethics officials to help resolve conflicts of interest and enforce government ethics laws and regulations, including those requiring certain employees to file financial disclosure reports. In addition, supervisors are responsible, when requested, for assisting agency ethics officials in evaluating potential conflicts of interest and identifying positions subject to financial disclosure requirements.

Your staff may ask you ethics questions, but unless you are an ethics official, you are not authorized to answer those ethics questions. If you receive an ethics question, then contact your own local Deputy Ethics Official or notify OGC/Ethics at [ethics@epa.gov](mailto:ethics@epa.gov).

## **18. Seeking Employment**

It's always odd to talk about seeking employment when we are welcoming you to EPA, but be mindful of the fact that there are restrictions that will apply. You won't be able to participate in a particular matter involving a party with which you are seeking employment, and that obligation starts as soon as you directly or indirectly contact a prospective employer, or as soon as you get a response expressing interest in you. You will need to disqualify yourself from particular matters that may affect the prospective employer.

## **19. Negotiating for Employment**

Should your pursuit of future employment advance to "negotiating" for employment with a particular entity, then you will have conflicts of interest. The financial interests of any person or entity with whom you are "negotiating" for employment are imputed to you for the purposes of the criminal conflict of interest statute, 18 U.S.C. § 208. You will need to recuse yourself from participating in any particular matter that will have a direct and predictable effect upon the interests of the prospective employer, either as a specific party or as a member of a class, which will include particular matters that apply generally to the prospective employer's industry or class.

Filers of the public financial disclosure report are further subject to the Ethics In Government Act, as amended by the STOCK Act, which requires you to notify OGC/Ethics within three days of commencing negotiations for future employment with a non-federal employer. Yes, we have a form for that notification.



## **20. Post-Government Employment - Representational Restrictions**

Even after you leave federal service, there are federal post-employment restrictions. Your pledge restrictions are supplementary to these restrictions. Your ethics officials are still available to answer your post-employment questions, even after you leave EPA. You will need to have an exit discussion with OGC/Ethics before you leave EPA, but here are the highlights of what we'll discuss regarding the federal law. You will also be bound by the additional restrictions of the Biden Ethics Pledge adumbrated on pp. 2-3 of this briefing material.

### **Lifetime bar - on particular matters that you worked on**

You will be prohibited by criminal statute from representing back to the federal government on any particular matter involving specific parties in which you participated personally and substantially while in federal service. "Representation back" means making an appearance or communication, on behalf of another, with the intent to influence an official action. And the matter must involve the United States or be one in which the US has an interest.

Example: You are asked by XYZ Corporation to contact EPA about seeking an exemption so that a particular permit you granted while in your position no longer applies to them. You cannot do that because you worked on that matter while at EPA. You are permanently barred from representing another back to the federal government on that same matter.

### **2-year bar - on EPA matters pending during your last year in federal service**

You are prohibited (again, by criminal statute) from representing back to the federal government on any particular matter involving specific parties that was pending under your official responsibility during your last year of federal service. Even if you recuse yourself from a matter, you are still bound by the two-year bar. You are not permanently restricted, since you didn't work on the matter personally and substantially, but you are prohibited from representing another back to the federal government on that matter for two years.

### **Senior Employee "cooling off restriction" – on any matter**

Depending on your rate of pay, you may be considered a "senior official" and will be restricted for one year from making any contact with EPA following your departure (under the federal ethics regulation). Political appointees have additional time restrictions under the Biden Ethics Pledge. This prohibition is not limited to particular matters. Rather, you cannot knowingly make any communication or appearance to EPA employees on behalf of another with the intent to influence in connection with any matter in which you seek official EPA action.

Effective January 3, 2021, the defining rate of pay for "senior officials" is [\\$172,395 per year](#) (excluding locality pay). If you make more than that (before locality pay), then you are a "senior employee" and will be bound by the cooling off period. By the way, SESers do not get locality pay so, most likely, any SESer will be a "senior employee" and subject to this restriction.

Welcome to EPA and thank you for keeping ethics in the forefront of all we do!



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Washington, D.C. 20460

January 22, 2021

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

SUBJECT: Timely filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: Justina Fugh **Justina Fugh** Digitally signed by Justina Fugh  
Date: 2021.01.22 12:07:49  
-05'00'  
Alternate Designated Agency Ethics Official

TO: All EPA Political Appointees

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app. to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position, you are required by this law to file these reports in the electronic system, *INTEGRITY*. As an executive branch employee, you are bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations. These reports are publicly available upon request and the reports of certain Presidential Appointees confirmed by the Senate will be posted on the U.S. Office of Government Ethics' website at [www.oge.gov](http://www.oge.gov).

This memorandum formally informs you that you are required by law to file timely and accurate Public Financial Disclosure Reports (OGE 278e)<sup>1</sup> and Periodic Transaction Reports (OGE 278-Ts).<sup>2</sup> **Filing a late report will result in a \$200 late filing fee** unless you formally request and receive a waiver of the late fee from me or the Designated Agency Ethics Official (DAEO), Jim Payne, after describing extraordinary circumstances that caused you to file a late report.<sup>3</sup> **Unpaid late fees are subject to the Agency's<sup>4</sup> and the government's debt collection procedures and will be referred for collection if left unpaid after 30 days.**

Please refer to this chart for your filing obligations:

<sup>1</sup> See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

<sup>2</sup> Pub. L. 112-105 § 11 (STOCK Act).

<sup>3</sup> See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

<sup>4</sup> See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

OGE 278e - New Entrant reports	<b>Within 30 days</b> of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	<b>No later than May 15</b>
OGE 278e – Termination reports	<b>No later than 30 days after</b> leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports <sup>5</sup>	<b>The <i>earlier of</i> 30 days</b> after learning of a transaction or <b>45 days</b> of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to [ethics@epa.gov](mailto:ethics@epa.gov) **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to [ethics@epa.gov](mailto:ethics@epa.gov) describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

Your colleagues in OGC/Ethics are available to provide assistance but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.<sup>6</sup>

As public servants, we hope that you will take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact [ethics@epa.gov](mailto:ethics@epa.gov).

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278-T*

<sup>5</sup> See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278-T*.

<sup>6</sup> In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

# When to Report Transactions

DUE DATE: The earlier of the following: 30 Days from Notification or 45 Days from Transaction

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Your investment assets (or jointly held)		
• Your stocks	Yes	Yes
• Your bonds (except U.S. Treasury securities)	Yes	Yes
• Your commodity futures	Yes	Yes
• Your other investment securities	Yes	Yes
• Assets listed above in your (joint) brokerage accounts, (joint) managed accounts, IRAs, other retirement accounts, and/or other (joint) investment vehicles	Yes	Yes
Your spouse's investment assets		
• Spouse's stocks	Yes	Yes
• Spouse's bonds (except U.S. Treasury securities)	Yes	Yes
• Spouse's commodity futures	Yes	Yes
• Spouse's other investment securities	Yes	Yes
• Assets listed above in spouse's <u>own</u> brokerage account, managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Dependent child's stocks	Yes	Yes
• Dependent child's bonds (except U.S. Treasury securities)	Yes	Yes
• Dependent child's commodity futures	Yes	Yes
• Dependent child's other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes <sup>1</sup>
• Mutual funds, exchange traded funds, index funds and/or other "excepted investment funds" <sup>2</sup>	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals)	No	No
• Money market accounts	No	No
• Money market funds	No	No
• Certificates of deposits	No	No
• US Treasury Securities (e.g., T bills, Treasury bonds, U.S. savings bonds)	No	No
• Federal Government Retirement Accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust <sup>3</sup>	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

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<sup>1</sup> Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

<sup>2</sup> To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact [ethics@epa.gov](mailto:ethics@epa.gov).

<sup>3</sup> OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email [ethics@epa.gov](mailto:ethics@epa.gov).

**REQUIREMENT: Notify OGC/Ethics within 3 business days of commencing the negotiation or agreement for post-government employment or compensation**

## NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name

Your telephone number\*

Date negotiation or agreement began

Your Title / Office / AAship or Region

Your email address\*

Name of non-federal entity that you are negotiating with or have an agreement for employment or compensation

*\* Provide information for OGC/Ethics to use to contact you as part of our official duty. For this purpose, you may provide a personal email address or cell number.*

## RECUSAL STATEMENT

To assist in identifying your recusal obligations, check the appropriate boxes below:

- |    | Yes                      | No                       |   |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.   |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | My office in EPA does work that affects the non-federal entity with which I am seeking employment.          |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | The work I participate in affects or will affect the non-federal entity with which I am seeking employment. |

Need help answering these statements?  
See page 2.

**For as long as I am negotiating for, or have an agreement of, employment or compensation with the entity listed above, I will not participate personally and substantially in any particular matter that has a direct and predictable effect on the financial interests of this entity, unless I first obtain from OGC/Ethics a written authorization or waiver consistent with 5 C.F.R. § 2635.605 or 18 U.S.C. § 208(b)(1). I understand that it is my responsibility to consult with OGC/Ethics if I have questions regarding my recusal obligations.**

Sign and submit to [ethics@epa.gov](mailto:ethics@epa.gov):

Your signature

OGC/Ethics Use Only:

**Statement 1: EPA’s programs, policies, or operations affect the non-federal entity with which I am seeking employment.**

If your answer is “yes” to any of the following questions, then you must answer “yes” to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

**Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.**

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check “yes” to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

**Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.**

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will have to check “yes” to statement 3.

- Will the work you do affect the sector? Don’t concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues’ projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

**Need help answering these statements? Contact [ethics@epa.gov](mailto:ethics@epa.gov) to discuss.**



## Political Activities and Federal Employees

The Hatch Act, enacted in 1939, was amended in 1993 and 2012. It regulates the political activities of executive branch employees, excluding the President and Vice President. The following table summarizes what political activities EPA employees can and cannot do based on their appointment. Note: Public Health Service officers must adhere to 45 CFR Part 73, Subpart F, which is most similar to the Career SES/ALJ column.

**Political activity means an activity “directed toward the success or failure of a political party, a candidate for partisan political office, or a partisan political group.”**

Type of Activity	PAS*	Non-Career SES, Schedule C*, Title 42, SL/ST, AD*, GS, Other	Career SES, ALJs
<b>Personal (off premises and off duty)</b>			
Express support for or opposition to a political candidate when off duty	Yes	Yes	Yes
Run as a partisan candidate for nomination or office in a partisan election	No	No	No
Solicit and accept contributions for your campaign in a non-partisan election	Yes	Yes	Yes
Solicit a contribution from a member of your union	N/A	Yes	N/A
Work a phone bank asking individuals to volunteer	Yes	Yes	No
Campaign on behalf of a candidate in a partisan election	Yes	Yes	No
Be active on behalf of a candidate at political rallies or meetings	Yes	Yes	No
Attend political rallies and meetings	Yes	Yes	Yes
Contribute money to political organizations	Yes	Yes	Yes
Work in non-partisan voter registration drives	Yes	Yes	Yes
Work in partisan voter registration drives	Yes	Yes	No
Register and vote	Yes	Yes	Yes
Sign a nominating petition	Yes	Yes	Yes
Distribute campaign material in a partisan election	Yes	Yes	No
Work as an election judge, poll watcher, clerical worker on election day and receive compensation for that work	Yes	Yes	Yes but nonpartisan only
Drive people to polling station on behalf of a campaign	Yes	Yes	No
<b>Affecting Official Resources</b>			
Use office time for political activity	Yes; IG-No	No	No
Use official space for political activity in general	Yes; IG-No	No	No
<b>Fundraising</b>			
Attend a political fundraiser	Yes	Yes	Yes
Solicit, accept or receive political contributions in general	No	No	No
Solicit or receive a political contribution on government premises	No	No	No
Plan or organize a political fundraiser when off duty	Yes	Yes	No
Sponsor, host, or allow your name as sponsor/host for a political fundraiser	No	No	No
Serve drinks or check coats at a political fundraiser	Yes	Yes	No
Speak at a partisan fundraiser without appealing for money	Yes	Yes	No
Allow only your name to be listed as speaker on fundraising invitation	Yes	Yes	No

\*PAS = Political Appointee Confirmed by the Senate; Schedule C = political appointees not confirmed by Senate; AD = Administratively Determined; SES = Senior Executive Service



# EPA Ethics Program

Counseling Practice Area:

Vetting Invitations

## Quick Summary:

One of the more visible ways ethics issues arise are those that come up during the calendaring of events and invitations for an EPA principal and their immediate staff. The ethics issues run the whole gambit:

Recusal Obligations ♦ Gifts ♦ Fundraising ♦ Political Activity ♦ Endorsements  
President's Ethics Pledge ♦ Misuse of Position

Embedding ethics is a proactive counseling practice that brings together the Principals, their immediate staff, and Deputy Ethics Officials to establish a process for incorporating ethics vetting into the Principal's calendar. This helps and supports the EPA principal to meet their ethics obligations and maintain integrity of agency programs and operations.

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## Who:

Principals (Administrator, Deputy Administrator, Assistant Administrators, and Regional Administrators, certain Deputy Associate Administrators), their immediate staff, and Deputy Ethics Officials.

## What:

Preventing conflicts of interest and other ethics issues by embedding ethics review into the calendaring process for principals.

## When:

Upon the appointee's start of EPA service

## Where:

Through coordination in the principal's front office and immediate staff

## Why:

Principals and other political appointees encounter frequent ethics issues arising through acceptance of external events, travel, and meetings with external participants. With increased public scrutiny and ethics legal frameworks, this is a high risk area in the ethics program. It is the principal's responsibility to avoid ethics issues and to maintain public trust in government.

## How:

To navigate these ethics issues, we establish a process, use standard event information gathering forms, and train periodically, so a principal's front office can obtain all relevant information for an event and ethics officials can advise appropriately and timely prior to acceptance.

# Executive Order on Ethics Commitments by Executive Branch Personnel

JANUARY 20, 2021 • [PRESIDENTIAL ACTIONS](#)

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2021, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

“I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

“Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

“1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

“2. Revolving Door Ban — All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

“3. Revolving Door Ban — Lobbyists and Registered Agents Entering Government. If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 et seq., or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.

“4. Revolving Door Ban — Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.

“5. Revolving Door Ban — Senior and Very Senior Appointees Leaving Government. If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections’ implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment,

I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.

“6. Revolving Door Ban — Appointees Leaving Government to Lobby. In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.

“7. Golden Parachute Ban. I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.

“8. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

“9. Assent to Enforcement. I acknowledge that the Executive Order entitled ‘Ethics Commitments by Executive Branch Personnel,’ issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. For purposes of this order and the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”:

(i) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(ii) shall include gifts that are solicited or accepted indirectly, as defined in section 2635.203(f) of title 5, Code of Federal Regulations; and

(iii) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) and (3), and (j) through (l) of title 5, Code of Federal Regulations.

(d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.

(g) “Lobbying activities” shall have the definition set forth in section 1602 of title 2, United States Code.

(h) “Materially assist” means to provide substantive assistance but does not include providing background or general education on a matter of law or policy based upon an individual’s subject matter expertise, nor any conduct or assistance permitted under section 207(j) of title 18, United States Code.

(i) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(j) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.

(k) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, any United States territory or possession, or any international organization in which the United States is a member state.

(l) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to speeches or similar appearances. It does not include

clients of the appointee's former employer to whom the appointee did not personally provide services.

(m) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

(n) "Participate" means to participate personally and substantially.

(o) "Government official" means any employee of the executive branch.

(p) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(q) "Pledge" means the ethics pledge set forth in section 1 of this order.

(r) "Senior White House staff" means any person appointed by the President to a position under sections 105(a)(2)(A) or (B) of title 3, United States Code, or by the Vice President to a position under sections 106(a)(1)(A) or (B) of title 3.

(s) All references to provisions of law and regulations shall refer to such provisions as are in effect on January 20, 2021.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget (OMB), in consultation with the Counsel to the President, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of OMB certifies in writing:

(i) that the literal application of the restriction is inconsistent with the purposes of the restriction; or

(ii) that it is in the public interest to grant the waiver. Any such written waiver should reflect the basis for the waiver and, in the case of a waiver of the restrictions set forth in paragraphs 3(b) and (c) of the pledge, a discussion of the findings with respect to the factors set forth in subsection (b) of this section.

(b) A waiver shall take effect when the certification is signed by the Director of OMB and shall be made public within 10 days thereafter.

(c) The public interest shall include, but not be limited to, exigent circumstances relating to national security, the economy, public health, or the environment. In determining whether it is in the public interest to grant a waiver of the restrictions contained in paragraphs 3(b) and (c) of the pledge, the responsible official may consider the following factors:

(i) the government's need for the individual's services, including the existence of special circumstances related to national security, the economy, public health, or the environment;

(ii) the uniqueness of the individual's qualifications to meet the government's needs;

(iii) the scope and nature of the individual's prior lobbying activities, including whether such activities were de minimis or rendered on behalf of a nonprofit organization; and

(iv) the extent to which the purposes of the restriction may be satisfied through other limitations on the individual's services, such as those required by paragraph 3(a) of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure:

(i) that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee;



(ii) that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also be approved by the Counsel to the President prior to the appointee commencing work;

(iii) that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and

(iv) that the agency generally complies with this order.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) of this order shall be the responsibility of the Counsel to the President.

(c) The Director of the Office of Government Ethics shall:

(i) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) of this order;

(ii) in consultation with the Attorney General or the Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(iii) in consultation with the Attorney General and the Counsel to the President, adopt such rules or procedures as are necessary or appropriate:

(A) to carry out the foregoing responsibilities;

(B) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(C) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

(D) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by the employees' official actions do not affect the integrity of the Government's programs and operations;

(E) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;

(iv) in consultation with the Director of OMB, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure. This report shall include recommendations on steps the executive branch can take to expand, to the fullest extent practicable, disclosure of both executive branch procurement lobbying and of lobbying for Presidential pardons. These recommendations shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation; and

(v) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, report to the President on steps the executive branch can take to expand to the fullest extent practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service. This report shall include both immediate actions the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for fact-finding and investigation of possible violations of this order and for referrals to the Attorney General for consideration pursuant to subsection (c) of this order.

(c) The Attorney General is authorized:

(i) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(ii) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General is authorized to request any and all relief authorized by law, including but not limited to:

(i) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(ii) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

THE WHITE HOUSE,

January 20, 2021.

## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Signature \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_  
Date

Name (Type or Print): \_\_\_\_\_

**From:** [Michalos, Maria](#)  
**To:** [Fugh, Justina](#)  
**Subject:** Financial disclosure  
**Date:** Tuesday, February 16, 2021 8:51:54 AM

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Hi Justina,

I saw that my report was returned and read your note. I'm a little confused about how to actually enter the new data. Any chance you can spare 5 mins this morning to walk me through it?

Thanks.

Maria Michalos

Speechwriter

Environmental Protection Agency

202-815-7547 (cell)

[michalos.maria@epa.gov](mailto:michalos.maria@epa.gov)

**From:** [Michalos, Maria](#)  
**To:** [ethics](#)  
**Subject:** Maria Michalos - Ethics pledge  
**Date:** Thursday, February 4, 2021 2:59:58 PM  
**Attachments:** [Biden Ethics Pledge for digital signature.pdf](#)

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Hello,

Thank you for the very informative ethics training earlier this afternoon. Attached please find my signed ethics pledge.

Thank you,

Maria

## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Michalos, Maria

Digitally signed by Michalos, Maria  
Date: 2021.02.04 14:56:23 -05'00'

Signature

February 4, 2021

Date

Name (Type or Print): Maria Michalos



**From:** [Fugh, Justina](#)  
**To:** [Michalos, Maria](#)  
**Subject:** RE: Hello from EPA Ethics!  
**Date:** Monday, February 1, 2021 10:54:00 PM

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Hi Maria,

Good to know about your computer but, no, we haven't sent out the invitations yet. We're sorting through who will be leading each session and who will be in each session. I'll finalize that at my staff meeting tomorrow morning, so expect the Teams invitation in the afternoon.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Michalos, Maria <Michalos.Maria@epa.gov>

**Sent:** Monday, February 01, 2021 5:20 PM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Subject:** RE: Hello from EPA Ethics!

Hi Justina,

I just wanted to let you know that I only just got my computer up and running. Not sure if you sent me an invitation for the initial ethics training, but if you did, it's likely I haven't yet received it.

Thanks!

Maria

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Monday, February 1, 2021 9:33 AM

**To:** Chase, Joann <[Chase.Joann@epa.gov](mailto:Chase.Joann@epa.gov)>; Conger, Nicholas <[Conger.Nicholas@epa.gov](mailto:Conger.Nicholas@epa.gov)>; Diaz, Catherine <[Diaz.Catherine@epa.gov](mailto:Diaz.Catherine@epa.gov)>; Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>; Frey, Chris <[Frey.H@epa.gov](mailto:Frey.H@epa.gov)>; Goldberg, Ruby <[Goldberg.Ruby@epa.gov](mailto:Goldberg.Ruby@epa.gov)>; Michalos, Maria <[Michalos.Maria@epa.gov](mailto:Michalos.Maria@epa.gov)>; O'Brien, Grant <[OBrien.Grant@epa.gov](mailto:OBrien.Grant@epa.gov)>; Nunez, Alejandra <[Nunez.Alejandra@epa.gov](mailto:Nunez.Alejandra@epa.gov)>; Kim, Eun <[Kim.Eun@epa.gov](mailto:Kim.Eun@epa.gov)>; Sabater, Juan <[Sabater.Juan@epa.gov](mailto:Sabater.Juan@epa.gov)>; Waterhouse, Carlton <[Waterhouse.Carlton@epa.gov](mailto:Waterhouse.Carlton@epa.gov)>; Engelman-Lado, Marianne <[EngelmanLado.Marianne@epa.gov](mailto:EngelmanLado.Marianne@epa.gov)>

**Cc:** Sinceré Harris (b) (6); Mercado Violand, Fernando <[MercadoVioland.Fernando@epa.gov](mailto:MercadoVioland.Fernando@epa.gov)>

**Subject:** Hello from EPA Ethics!

Hi there,

My name is Justina Fugh, and I'm the director of EPA's Ethics Office. Welcome aboard! In your orientation materials, Patricia Moore asked you to contact me about your initial ethics training. My staff and I provide that training to you "in person" (now virtually) so you needn't click on the ethics training module link she gave you. Instead, you'll get virtual training with us on Thursday, February 4 from 12 noon to 1 pm. Because we've got a baker's dozen of you starting today, we'll offer two initial ethics training sessions simultaneously. With fewer people on each call, you'll have a greater opportunity ask questions. I'll randomly assign you to a session, and you'll get a Teams invitation from me later today.

In addition, each of you is required to file a public financial disclosure report electronically. I

will assign you that report today, using your EPA email address. But I noticed that a couple of you may have emails that don't necessarily correspond to your preferred names so you might be looking to change your email address (don't ask me how to do that; I don't know!). If you are going to want to change your email address, then let me know. For now, we can set up your account using your personal email address and then ask to have the account merged with your EPA email once you've got that settled. That report is due 30 days from your start date, and you can be assessed a late filing fee, so this is one of those important things you just have to do.

Again, welcome to EPA and let me know if you have any specific questions before we connect on Thursday!

Happy Monday!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Michalos, Maria](#)  
**To:** [Clarke, Victoria](#)  
**Subject:** Re: Question about the Administrator Speaking at Baruch College?  
**Date:** Thursday, April 1, 2021 6:38:24 PM

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Thank you for confirming, Victoria!

On Apr 1, 2021, at 5:37 PM, Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)> wrote:

Hi Maria!

I'm following up on your question about NRDC and your duties at EPA. You explained that the Administrator has a storytelling event next week with NRDC and CAA. You asked whether you could write the Administrator's remarks and help prepare him for the event, even though NRDC is your former employer for the purposes of the Biden Pledge. You noted that you were not involved in selecting the event and will not be speaking at the storytelling event.

I've double checked with Justina to make sure that my initial read of the situation is correct - that it would be *impermissible* for you to draft the remarks or prepare the Administrator because it would be considered personal and substantial participation in a specific party matter where your former employer is. Justina agrees with me that it would be a violation of the Biden Pledge, and so you cannot be involved and must recuse yourself.

(b) (5)



Victoria  
Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

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**From:** Clarke, Victoria  
**Sent:** Thursday, April 01, 2021 3:57 PM  
**To:** Michalos, Maria <[Michalos.Maria@epa.gov](mailto:Michalos.Maria@epa.gov)>  
**Subject:** RE: Question about the Administrator Speaking at Baruch College?

Of course, Maria.  
Victoria Clarke  
Attorney-Advisor  
U.S. Environmental Protection Agency  
Office of General Counsel  
Washington, D.C. | 7348 WJCN  
EPA Office: 202-564-1149  
EPA Cell: 202-336-9101

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**From:** Michalos, Maria <[Michalos.Maria@epa.gov](mailto:Michalos.Maria@epa.gov)>  
**Sent:** Thursday, April 01, 2021 2:57 PM

**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>

**Subject:** RE: Question about the Administrator Speaking at Baruch College?

Hi Victoria,

I have a question on whether or not I have to recuse myself from a project.

Do you have a few mins to touch base?

Maria Michalos

Speechwriter

Environmental Protection Agency

202-815-7547 (cell)

[michalos.maria@epa.gov](mailto:michalos.maria@epa.gov)

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**From:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>

**Sent:** Friday, March 12, 2021 1:35 PM

**To:** Michalos, Maria <[Michalos.Maria@epa.gov](mailto:Michalos.Maria@epa.gov)>

**Subject:** RE: Question about the Administrator Speaking at Baruch College?

Hi Maria,

Thanks for chatting with me earlier! As I understand it, a former professor reached out to you to let you know that the school wanted to extend an invitation to the Administrator. You gave the professor the name of the individual in the AO that manages the invitation review and vetting process so that the professor could connect with them. That was totally acceptable and the right thing to do – all invitations should follow the same process to avoid any undue favoritism concerns. Good job in avoiding the impartiality problem!

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

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**From:** Clarke, Victoria

**Sent:** Friday, March 12, 2021 12:35 PM

**To:** Michalos, Maria <[Michalos.Maria@epa.gov](mailto:Michalos.Maria@epa.gov)>

**Subject:** Question about the Administrator Speaking at Baruch College?

Hi Maria!

I learned recently that Baruch College was thinking of extending an invitation to the Administrator to have him speak. If I remember from your resume, you're an alumna of Baruch, are you not? Out of an abundance of caution, I have to ask: you aren't involved in the school's outreach to the Administrator, are you?

Victoria

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

**From:** [Fugh, Justina](#)  
**To:** [Diaz, Catherine](#); [Efron, Brent](#); [Engelman-Lado, Marianne](#); [freyc.christopher@epa.gov](mailto:freyc.christopher@epa.gov); [Goldberg, Ruby](#); [Kim, Eun](#); [Levy, Maxwell](#); [Nunez, Alejandra](#); [O'Brien, Grant](#); [Sabater, Juan](#); [Waterhouse, Carlton](#); [Michalos, Maria](#); [Conger, Nicholas](#)  
**Subject:** Welcome to the wonderful world of public financial disclosure reporting!  
**Date:** Tuesday, February 2, 2021 7:58:00 PM  
**Attachments:** [Advisory - 278 and 278T reporting obligations January 2021 digitally signed.pdf](#)  
[reporting periods for 278s.docx](#)  
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

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Hi there,

Welcome to EPA! My name is Justina Fugh, and I'm the director of the EPA Ethics Office. For your initial ethics training on Thursday, February 4 at noon, we'll go over your ethics obligations, which includes submitting the public financial disclosure report. Yes, in your position, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. Using your EPA email address (or for Catie and Eunjung, your personal email addresses), I have now assigned you a new entrant report that my staff will review. Having this information will allow us to assess your conflicts issues and then to draft recusal statements for those of you who need them. Don't worry ... we're here to help you.

#### DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from your start date at EPA or 3/2/21. If you need additional time, you must contact [ethics@epa.gov](mailto:ethics@epa.gov) before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system ([www.INTEGRITY.gov](http://www.INTEGRITY.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. We have entered your filer category as Schedule C (even if that might change later) and your filer status as "full time." For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact [ethics@epa.gov](mailto:ethics@epa.gov).

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

#### REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

#### REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other

forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go over this requirement during your initial ethics training, but I've also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

#### YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

If you have any questions regarding this message or your obligations, then please contact me or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). Good luck with the form and remember, we can answer any questions you may have.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Fugh, Justina](#)  
To: [Blythers, Dorian](#)  
Cc: [Utech, Dan](#)  
Subject: I am returning your report to you again  
Date: Thursday, April 1, 2021 11:13 00 PM

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Hello,

I received your updated report, but we still can't certify it. You are still not reporting necessary information. Excerpted below is what you're reporting in Part 2, which is insufficient:

#	DESCRIPTION	EIF	VALUE	INCOME TYPE	INCOME AMOUNT
(b) (5), (b) (3) (A)					

(b) (6)

You have to name them and provide the values for each of them. If you have screen shots of the most recent statements, send those to me so that I can complete your report for you.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772





**From:** Fugh, Justina  
**Sent:** Monday, February 22, 2021 9 54 PM  
**To:** Blythers, Dorien <[Blythers.Dorien@epa.gov](mailto:Blythers.Dorien@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Hi Dorien,  
Thanks for the explanation about the names of the organizations. That's all I'll need about them. (b) (6)

Thanks!  
Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Sent:** Monday, February 22, 2021 9:46 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Hi Justina,

This makes sense. I knew the form seemed a little too easy! (b) (6)

Please let me know if those updates are sufficient. I'll reach out with any other questions I have on the outstanding items listed.

Best,

Dorien Paul Blythers (He/Him)  
Deputy Chief of Staff for Operations  
U S EPA | (202) 941-6042

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Monday, February 22, 2021 9:35 PM  
**To:** Blythers, Dorien <[Blythers.Dorien@epa.gov](mailto:Blythers.Dorien@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Hi,  
Thanks for submitting your report. I've reviewed it and returned it to you for more work (sorry!). Here are the questions I've embedded in the report itself. Please amend your form and then re-submit it back to me. Thanks!

Comments of Reviewing Officials (not publicly displayed on report):

[illegible]

(b) (5), (b) (3) (A)

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Blythers, Dorien <[Blythers.Dorien@epa.gov](mailto:Blythers.Dorien@epa.gov)>  
**Sent:** Friday, February 19, 2021 1:15 PM  
**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Thank you I will complete this today

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**From:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
**Sent:** Friday, February 19, 2021 1:14 PM  
**To:** Blythers, Dorien <[Blythers.Dorien@epa.gov](mailto:Blythers.Dorien@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** REMINDER - Financial disclosure report due 2/20/21  
**Importance:** High

Hello, Dorien - this is a reminder that your new entrant public financial disclosure report is due by **tomorrow, February 20**, which is 30 days from your appointment date

**How to file your report:**

EPA uses an electronic filing system ([www.INTEGRITY.gov](http://www.INTEGRITY.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. For help in INTEGRITY and completing your report, please refer to the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's MAX.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov.

**This short video provides instructions on how to start your report:**

[https://community.max.gov/download/attachments/774439146/3\\_Loading\\_in.mp4?version=1&modificationDate=1439574674287&api=v2](https://community.max.gov/download/attachments/774439146/3_Loading_in.mp4?version=1&modificationDate=1439574674287&api=v2)

**What if you cannot file by tomorrow?**

If you require an extension of the due date, you must request an extension by **COB today** with an explanation as to why you are unable to meet the filing deadline by emailing [Ethics@epa.gov](mailto:Ethics@epa.gov) and how much additional time you need. We can offer up to a 45-day extension.

**What happens if you don't file by the due date?**

**If you file your report more than 30 days after the due date, a \$200 late fee is imposed automatically.**

It is very important for you to file a timely financial disclosure report so we can assist you with navigating your ethics obligations, some of which are imposed by criminal law. We know that you are busy onboarding, but compliance with your ethics obligations are key to the performance of your official duties with impartiality and free from conflicts, so please turn your attention to this.

If you need assistance, or have questions, please contact [Ethics@epa.gov](mailto:Ethics@epa.gov). We are happy to help you!

Sincerely, your EPA Ethics Officials

*Ferne L. Mosley, Attorney-Advisor*  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)

**From:** [Fugh, Justina](#)  
**To:** [Blythers, Dorien](#)  
**Cc:** [Utech, Dan](#)  
**Subject:** Please turn your attention to your financial disclosure report  
**Date:** Tuesday, March 30, 2021 8:51:00 PM

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Hi Dorien,

I am writing again to remind you that still need to finalize your financial disclosure report.

I have been asking you to respond to questions about your report since the day you filed it, on 2/22/21. Last week, I explained that we have a statutory obligation to release any public financial disclosure report within 30 days of its submission to us and that we have received a request for yours. We are on the precipice of releasing it *as is*. That said, the staff attorney who works on these releases for me is on vacation this week, so you have a few more days to finalize your report before release. To refresh your recollection, see the timeline below:

DATE	COMMENT
2/22/21	You submitted the report
2/22/21	I sent you an email with follow up questions
2/22/21	You responded with clarification of the names of your employer(s) and said you would “reach out with any other questions I have on the outstanding items listed.” We did not hear anything back from you in weeks.
3/1/21	You received an automatic reminder to respond to my questions
3/7/21	I wrote you an email asking you to respond to my questions
3/8/21	You received an automatic reminder to respond to my questions
3/15/21	You received an automatic reminder to respond to my questions
3/16/21	I wrote you an email asking you to respond
3/16/21	You wrote to ask what still needs to be addressed. I responded twice, first to say I thought I could certify, and then a second time to say that I was mistaken and sent you the outstanding questions again.
3/23/21	You received an automatic reminder to respond to my questions
3/25/21	I wrote you an email informing you that your report can now be released to anyone who requests it, even though it is not yet certified.

PLEASE address the questions that have been sent to you several times and that are embedded in your INTEGRITY form. If you need help, then let me know what you need. I can’t help if I don’t know that you need help.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Dorien Blythers](#)  
**Subject:** RE: Dorien Blythers - (b) (6)  
**Date:** Sunday, April 4, 2021 10:37:00 PM  
**Attachments:** [Blythers, Dorien certified NE report.pdf](#)

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Hi Dorien,

Sending me your statements was perfect! I was able to finalize your report (woo hoo!) and have now certified it. Here's the pdf version so you can see what I did.

Thanks!

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Dorien Blythers (b) (6)  
**Sent:** Sunday, April 04, 2021 10:28 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Dorien Blythers - (b) (6)

Hello Justina,

I hope this message finds you well. I've attached my recent statements from both (b) (6). I've found the reporting process to be intimidating, so any guidance you can offer would be greatly appreciated.

Respectfully,

--

Dorien Paul Blythers | (b) (6)

**From:** [Keith, Jennie](#)  
**To:** [Blythers, Dorian](#)  
**Cc:** [Keith, Jennie](#)  
**Subject:** RE: Special Invitation to Dorian Blythers for a Power Shift 2021 Career Panel  
**Date:** Tuesday, April 27, 2021 12:27:00 PM

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Hi Dorian,

I'm closing this one out (belatedly). This escaped me and didn't realize it took place last week. For the record, if you participated, you would have been cleared of any ethics issues. There are no Hatch Act concerns (political activity) given the one elected official on the panel and the context for the panel (career story).

Thanks!

Jennie for OGC/Ethics

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**From:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Sent:** Friday, April 16, 2021 3:04 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Special Invitation to Dorian Blythers for a Power Shift 2021 Career Panel

Hi Jennie,

I'm sharing the below from the organizers:

I believe ideally you will have the opportunity to introduce yourself and tell your career story, then the moderator will ask all the panelists 3 or so questions and then we will take questions from the audience. It's a pretty simple agenda since the session is only one hour.

The other panelists for the "Government & Policy Making" career panel are

- Rep Anna Eskamani from FL
- Joseph Colon from the Dept of City Planning in New Orleans
- Juliana Macedo do Nascimento from United We Dream
- Kayla Soren, who wears many hats including Power Shift 2021 Steering Committee, Institute for Policy Studies, and the International Student Environmental Coalition, will be moderating.

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**From:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Sent:** Monday, April 12, 2021 12:35 PM  
**To:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Subject:** RE: Special Invitation to Dorian Blythers for a Power Shift 2021 Career Panel  
Great, once we clear Hatch Act concerns and I provide you ethics advice, you'll also need to make sure you have supervisory approval to continue as part of official duty.

---

**From:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Sent:** Monday, April 12, 2021 11:26 AM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: Special Invitation to Dorian Blythers for a Power Shift 2021 Career Panel  
Thanks Jennie for this update. I'd like to do it in an official capacity and can use the form template to gather additional information.

---

**From:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Sent:** Friday, April 9, 2021 10:39 AM  
**To:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Subject:** RE: Special Invitation to Dorian Blythers for a Power Shift 2021 Career Panel

Morning Dorian,

You know, I believe this could qualify as official duty. Whenever we get requests for speaking engagements, the first thing we consider is whether this is official duty (use of agency resources + time) or personal capacity (accomplished on own time, may require leave, using own resources). EPA has an outreach mission and discussion of career pathways frequently qualifies for official duty. I checked that the host is not your former employer (no President Ethics Pledge issues). The host is also not a federally registered lobbyist.

It doesn't appear to be political activity. However, we'd want to know more about the other panelists and how the panel will be moderated and function to make sure there are no Hatch Act concerns.

If you'd like to consider this as official duty, then I'd recommend using that event information template Kathleen provides so we suss out these details.

If not, and you'd like to do this in your personal capacity, I'd still need details on the panel and how it would function so I could still clear any Hatch Act concerns with elected officials sitting on the panel. Thanks!

Jennie for OGC/Ethics  
202-564-3412

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**From:** Blythers, Dorien <[Blythers.Dorien@epa.gov](mailto:Blythers.Dorien@epa.gov)>

**Sent:** Thursday, April 08, 2021 2:02 PM

**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>

**Subject:** FW: Special Invitation to Dorien Blythers for a Power Shift 2021 Career Panel

Hi Jennie—

I hope you're well today. I'm interested in participating in the below opportunity and would plan to waive the honorarium offer. Do you have any other flags for consideration before I accept?

Respectfully,

Dorien Paul Blythers (He/Him)  
Deputy Chief of Staff for Operations  
U.S. EPA | (202) 941-6042

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**From:** Eriqah Vincent <[eriqah@powershift.org](mailto:eriqah@powershift.org)>

**Sent:** Wednesday, April 7, 2021 4:40 PM

**To:** Blythers, Dorien <[Blythers.Dorien@epa.gov](mailto:Blythers.Dorien@epa.gov)>

**Subject:** Special Invitation to Dorien Blythers for a Power Shift 2021 Career Panel

Dorien!!!

Hello my dear. I hope this email finds you well and staying as safe and sane as we all can. I'm excited to be reaching out to you about the [Power Shift 2021](#) national youth climate convergence. Power Shift 2021 will (virtually) bring together thousands of young people for a week of trainings,, workshops, skill sharing, and action April 16-25.

The convergence is a place for young people to begin to understand how systemic injustices exist and are perpetuated; to fill a toolbox with a movement's worth of strategies and tactics; and to connect with others who share our passions and imagine the ways we can work together. In addition to powerful keynote speakers, regional breakouts, and sessions on hard skills and political education, Power Shift 2021 will also have spaces for young people to explore their role in building a better world. **One way we're doing this is with a set of "Career Panels" on the evening**

**of Tuesday, April 20.**

The Career Panels will be an opportunity for young people at Power Shift to explore different roles and careers--how do you become a mechanical engineer working on renewables? What challenges do lawyers face trying to fight for justice? These 60min panels will highlight a series of fields, from Agriculture & Food to Physical & Mental Health, with a panel of people doing that work in alignment with movement values talking about their journeys and their advice.

**One of the "Career Panels" we'd like to host is "Government & Elected Officials" and I would love to invite you to be a panelist.** We are really interested in bringing perspectives from both people who are elected and as well as people who work in various facets of city and state and federal government. I think with your extensive work in electoral and now federal policy, you would be a great fit for this conversation. Are you interested in joining us as a panelist?

We're happy to be able to offer a \$100 honorarium to each panelist, as a small thanks for sharing your wisdom with young people curious about following in your footsteps.

**The Career Panels will take place between 6pm-9pm ET, and we'll let you know asap which hour the "Government & Elected Officials" panel is scheduled for.**

Thanks for your consideration.

Love, Light, and Liberation,

*Eriqah*

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Eriqah Vincent (*she/her/hers*) [Why Pronouns?](#)  
network engagement director // [power shift network](#)  
(b) (6) (cell)  
lithonia, ga (EST)  
*sent from unceded yuchi, miccosukee, and creek land*

**Power Shift 2021 is happening April 16-25th. [Register Now!](#)**



## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

**Blythers, Dorian**

Digitally signed by Blythers, Dorian  
Date: 2021.02.01 14:37:09 -05'00'

Signature

Date

, 20

Name (Type or Print): \_\_\_\_\_

**From:** [Fugh, Justina](#)  
**To:** [Adhar, Radha](#); [Blythers, Dorien](#); [Hoffer, Melissa](#); [Lance, Kathleen](#); [Mayock, Andrew](#); [Mercado Violand, Fernando](#)  
**Subject:** REMINDER to sign the Biden Ethics Pledge  
**Date:** Monday, February 1, 2021 1:53:00 PM  
**Attachments:** [Biden Ethics Pledge for digital signature.pdf](#)

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Please remember to sign the attached Biden ethics pledge and return to me or to [ethics@epa.gov](mailto:ethics@epa.gov) . This document is set up for your digital signature.

Thanks,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** [Fugh, Justina](#)  
**To:** [Freedhoff, Michal](#); [Blythers, Dorian](#); [Lance, Kathleen](#); [Mayock, Andrew](#); [Mercado Violand, Fernando](#)  
**Subject:** Welcome to the wonderful world of public financial disclosure reporting!  
**Date:** Monday, January 25, 2021 1:04:00 AM  
**Attachments:** [Advisory - 278 and 278T reporting obligations January 2021 digitally signed.pdf](#)  
[reporting periods for 278s.docx](#)  
[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

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Hi there,

Welcome to EPA! My name is Justina Fugh, and I'm the director of the EPA Ethics Office. I've met some of you by phone and will soon meet you all virtually. For your initial ethics training, I'll go over your ethics obligations, which includes submitting the public financial disclosure report. Yes, in your position, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure Report. Using your EPA email address, I have now assigned you a new entrant report that my staff will review. Having this information will allow us to assess your conflicts issues and then to draft recusal statements for those of you who need them. Don't worry ... we're here to help you.

#### DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from your start date at EPA or 2/24/21. If you need additional time, you must contact [ethics@epa.gov](mailto:ethics@epa.gov) before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system ([www.INTEGRITY.gov](http://www.INTEGRITY.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's max.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov, or contact [ethics@epa.gov](mailto:ethics@epa.gov).

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you will have to file a termination report; and (4) you will be subject to a late filing fee of \$200 for not filing your report timely.

#### REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any necessary changes.

#### REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to certain additional requirements of the Ethics In Government Act as amended by the STOCK Act. You will be required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage

accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. We will go over this requirement during your initial ethics training, but I've also attached our reminder about late fees and when to report transactions. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- The various parts of the form have different reporting periods, so please consult the attached "reporting periods" chart. Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

If you have any questions regarding this message or your obligations, then please contact me or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). Good luck with the form and remember, we can answer any questions you may have.

Cheers,

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Fugh, Justina  
**Sent:** Monday, February 22, 2021 9:54 PM  
**To:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Hi Dorian,  
Thanks for the explanation about the names of the organizations. That's all I'll need about them. (b) (6)

Thanks!  
Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Sent:** Monday, February 22, 2021 9:46 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Hi Justina,

This makes sense. I knew the form seemed a little too easy! (b) (6)  
Please let me know if those updates are sufficient. I'll reach out with any other questions I have on the outstanding items listed.

Best,

Dorian Paul Blythers (He/Him)  
Deputy Chief of Staff for Operations  
U.S. EPA | (202) 941-6042

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Monday, February 22, 2021 9:35 PM  
**To:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Hi,  
Thanks for submitting your report. I've reviewed it and returned it to you for more work (sorry!). Here are the questions I've embedded in the report itself. Please amend your form and then re-submit it back to me. Thanks!

Comments of Reviewing Officials (not publicly displayed on report):

PART	#	REFERENCE	COMMENT
			(b) (6), (b) (3) (A)



Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Sent:** Friday, February 19, 2021 1:15 PM  
**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: REMINDER - Financial disclosure report due 2/20/21

Thank you. I will complete this today.

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**From:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>  
**Sent:** Friday, February 19, 2021 1:14 PM  
**To:** Blythers, Dorian <[Blythers.Dorian@epa.gov](mailto:Blythers.Dorian@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** REMINDER - Financial disclosure report due 2/20/21  
**Importance:** High

Hello, Dorian - this is a reminder that your new entrant public financial disclosure report is due by **tomorrow, February 20**, which is 30 days from your appointment date.

**How to file your report:**

EPA uses an electronic filing system ([www.INTEGRITY.gov](http://www.INTEGRITY.gov)) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns. We have pre-populated the address field with EPA's address because, well, this is a public form and we don't want anyone to know your personal address. For help in INTEGRITY and completing your report, please refer to the OGE [Public Financial Disclosure Guide](#). The email from INTEGRITY.gov will provide you with specific instructions to log into the federal government's MAX.gov site, the gateway to INTEGRITY. If you didn't receive your account notification, then check your clutter box for messages from INTEGRITY.gov.

This short video provides instructions on how to start your report:

[https://community.max.gov/download/attachments/774439146/3\\_Logging\\_in.mp4?version=1&modificationDate=1439574674287&api=v2](https://community.max.gov/download/attachments/774439146/3_Logging_in.mp4?version=1&modificationDate=1439574674287&api=v2)

**What if you cannot file by tomorrow?**

If you require an extension of the due date, you must request an extension by **COB today** with an explanation as to why you are unable to meet the filing deadline by emailing [Ethics@epa.gov](mailto:Ethics@epa.gov) and how much additional time you need. We can offer up to a 45-day extension.

**What happens if you don't file by the due date?**

**If you file your report more than 30 days after the due date, a \$200 late fee is imposed automatically.**

It is very important for you to file a timely financial disclosure report so we can assist you with navigating your ethics obligations, some of which are imposed by criminal law. We know that you are busy onboarding, but compliance with your ethics obligations are key to the performance of your official duties with impartiality and free from conflicts, so please turn your attention to this.

If you need assistance, or have questions, please contact [Ethics@epa.gov](mailto:Ethics@epa.gov). We are happy to help you!

Sincerely, your EPA Ethics Officials

*Ferne L. Mosley, Attorney-Advisor*  
U.S. Environmental Protection Agency  
Ethics Office/Office of General Counsel  
William Jefferson Clinton Building North, Room 4113A  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
(202) 564-8046 (desk)  
(202) 306-2998 (mobile)  
[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)



**From:** [Fugh, Justina](#)  
**To:** [Macedonia, Jennifer](#)  
**Subject:** RE: checking on Integrity  
**Date:** Wednesday, June 23, 2021 12:50:00 PM

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Hi Jennifer,

I haven't made any adjustments to your report since you touched it last on 6/18/21. I haven't certified it yet because I want to keep it "active" to remind myself to draft your recusal statement. So I don't know what bounce back you got but it doesn't seem to be anything that you need to do. So far as I can tell, the ball's in my court.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>  
**Sent:** Wednesday, June 23, 2021 10:01 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** checking on Integrity

Hi Justina – quick question. Did you receive my revised integrity/disclosure form? Something bounced back and I'm trying to decipher if it was the actual report or just an email.

Thanks,  
Jennifer

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Jennifer Macedonia (she/her)  
Deputy Associate Administrator for Policy  
Office of the Administrator, Office of Policy  
U.S. Environmental Protection Agency  
202-564-1917

**From:** [Fugh, Justina](#)  
**To:** [Macedonia, Jennifer](#)  
**Subject:** RE: Draft recusal statement  
**Date:** Tuesday, August 17, 2021 11:09:00 PM  
**Attachments:** [recusal statement for signature.pdf](#)

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Hi there,

Thanks for the review and here you go. I haven't set a date when your recusal with CRP ends (for the record, it would be 1 year after you last provided any services) since you're still listed on their internal website. If they reached out to you to do some work for them as an outside activity, just contact me so we can evaluate whether you may. I've attached the recusal statement for your digital signature.

Cheers,  
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Tuesday, August 17, 2021 10:47 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Draft recusal statement

Hi Justina,

I agree with the edits. Yes, I interacted with Climate Reality Project in the past year (last time I recorded something on their tracking website was spring 2021), and I am still listed in their internal website (like a mini-version of LinkedIn for people who have gone through their training to give presentations on the climate crisis) as a Climate Reality Leader (I think only other Climate Reality Leaders have access, but that is thousands of people).

Thanks,  
Jennifer

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, August 17, 2021 10:23 PM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** RE: Draft recusal statement

Hi,

Please see the responses to your comments. With respect to Climate Reality Project, I agree that they aren't your "former employer" so have deleted them from the little chart. But it

seems that you were an active participant, so did you interact with them at all in the last year? If so, then I'll add a category for impartiality issues and add this entity there. Check over the rest of the edits, and then let me know when you last interacted with Climate Reality Project (or if you are still interacting with them).

Thanks!

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Friday, August 13, 2021 7:33 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Draft recusal statement

Justina – please see attached with a few edits/comments.

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 13, 2021 12:37 PM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** RE: Draft recusal statement

Hi –

Do you have any comments about the recusal statement?

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Friday, August 6, 2021 4:52 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Draft recusal statement

That looks more like it Yes the VPN is so unhelpful, but sometimes essential.

I will review and circle back with any questions/comments.

Thank you,  
Jennifer

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 6, 2021 4:31 PM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** RE: Draft recusal statement

Oh, blast, I hate when that happens (I think it's when I'm flirting between the VPN and not). How's this?

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Friday, August 6, 2021 3:56 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Draft recusal statement

Hi Justina,  
Yes, happy to take a look. Could you please resend the document – it appears blank.

Thanks,  
Jennifer

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 6, 2021 11:03 AM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** Draft recusal statement

Hi Jennifer,  
I hope that you're doing well. As I was going through my (admittedly quite long) to do list, I realized that I hadn't sent you a draft recusal statement. Sorry about that! I expect that you've already been observing your recusal obligations regarding your former clients, but let's put it down on paper anyway. Please review the attached draft and provide me with any comments. Then I will prepare a document for you to sign digitally.

Happy Friday!  
Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

OFFICE OF THE  
ADMINISTRATOR

**MEMORANDUM**

SUBJECT: Recusal Statement

FROM: Jennifer Macedonia  
Deputy Associate Administrator  
Office of Policy

JENNIFER  
MACEDONIA

Digitally signed by  
JENN FER MACEDONIA  
Date: 2021.08.18  
09:50:40 -04'00'

TO: Victoria Arroyo  
Associate Administrator for Policy

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13989 and the Biden Ethics Pledge that I signed, as well as my own attorney bar obligations.

*FINANCIAL CONFLICTS OF INTEREST*

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics and been advised that I do not currently have any financial conflicts of interest. I will remain vigilant and notify OGC/Ethics immediately should my financial situation change.

## *OBLIGATIONS UNDER EXECUTIVE ORDER 13989*

Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **JLM Environmental Consulting** (my own consulting firm, now inactive) is a party or represents a party. Under the terms of the Ethics Pledge, this recusal also applies to the following clients whom I served in the two years preceding my appointment and lasts for two years from the date that I joined federal service, or until after June 1, 2023:

FORMER CLIENT
<b>Duke University</b>
<b>Environmental Defense Fund</b>
<b>Meier Engineering Research</b>

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>1</sup> Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

## *OBLIGATIONS UNDER THE IMPARTIALITY PROVISIONS*

Pursuant to the federal impartiality standards, I understand that I have a “covered relationship” with the **Climate Reality Project**. I may not participate in a particular matter involving specific parties in which they are a party or represents a party, unless I am authorized to participate by OGC/Ethics pursuant to 5 C.F.R. § 2635.502(d).

## *SCREENING ARRANGEMENT*

In order to ensure that I do not participate in particular matters from which I am recused, I have asked Chief of Staff, Josh Lewis and Special Assistant, Brent Efron to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusals should be directed to one of them without my knowledge or involvement. If they determine that I am recused, then the Chief of Staff will take action or refer it for action or assignment to another,

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<sup>1</sup> See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

without my knowledge or involvement. In the event that they are unsure whether an issue is a particular matter from which I am recused, then they will consult with OGC/Ethics for a determination.

*UPDATE AS NECESSARY*

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Phillip Fine, Principal Deputy Associate Administrator  
Helena Wooden-Aguilar, Deputy Associate Administrator  
Josh Lewis, Chief of Staff  
Brent Efron, Special Assistant  
Justina Fugh, Director, Ethics Office

**From:** [Macedonia, Jennifer](#)  
**To:** [Mercado Violand, Fernando](#)  
**Cc:** [Clarke, Victoria](#); [Harris, Sincere](#)  
**Subject:** RE: Ethics Training  
**Date:** Wednesday, June 2, 2021 10:32:37 AM

---

I can do 1:30 training

-----Original Message-----

From: Mercado Violand, Fernando <MercadoVioland.Fernando@epa.gov>  
Sent: Wednesday, June 2, 2021 9:02 AM  
To: Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>  
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Harris, Sincere <Harris.Sincere@epa.gov>  
Subject: RE: Ethics Training

Thank you! Please let us know if we need to adjust.

-----Original Message-----

From: Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>  
Sent: Tuesday, June 1, 2021 9:47 PM  
To: Mercado Violand, Fernando <MercadoVioland.Fernando@epa.gov>  
Cc: Clarke, Victoria <clarke.victoria@epa.gov>; Harris, Sincere <Harris.Sincere@epa.gov>  
Subject: Re: Ethics Training

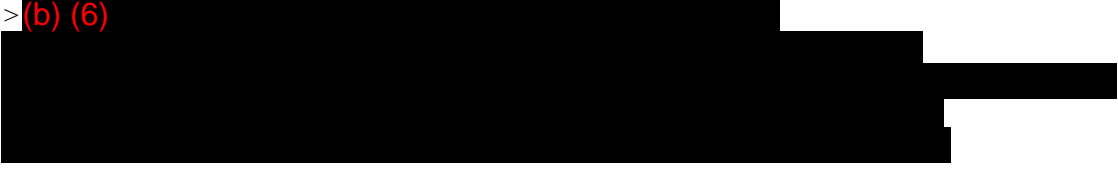
Hi Fernando,

I'm checking in with Vicki and Phil 10:15-11 tomorrow and will know after that which meetings I should attend tomorrow. I'll circle back after that to confirm I am able to do the ethics training.

Thanks,  
Jennifer

Sent from my iPhone

> On Jun 1, 2021, at 7:53 PM, Mercado Violand, Fernando <MercadoVioland.Fernando@epa.gov> wrote:  
>  
> Hey Jennifer,  
>  
> Hope you are doing well! We are hoping that this time works for the training with our Ethics team.  
>  
> Let us know if this works!  
>  
> -Fernando  
>  
>  
>  
>  
> \_\_\_\_\_  
> \_\_\_\_\_  
> Microsoft Teams meeting  
> Join on your computer or mobile app  
> Click here to join the  
> (b) (6)





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> Or call in (audio only)

> (b) (6)

United States, Washington DC

> Phone Conference ID: (b) (6)

> Find a local

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> UwPT0QUbEnggryjbid82%2FZgvTog0GIMgd2ZAnVGJQ%3D&reserved=0> | Reset

> PIN<<https://mysettings.lync.com/pstnconferencing>>

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> Learn

> More<<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2F556a4b78-4afd-4fe6-b721-1d903e8cdad6%3Fid%3D927541686&data=04%7C01%7CMercadoVioland.Fernando%40epa.gov%7C767f3e7b06bf47ee595808d925685826%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637581952344643182%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C1000&sdata=x7PCx%2BMCCbSimCUUaR0wUCvVimqndR1%2F9WKL TJHUU1A%3D&reserved=0>

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> r7zJQctg3oLSvU%3D&reserved=0>

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**From:** [Fugh, Justina](#)  
**To:** [Jennifer Macedonia](#)  
**Cc:** [ethics](#)  
**Subject:** RE: Following up on our call earlier today  
**Date:** Friday, May 28, 2021 1:36:00 AM

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Hi there,

I set up your new entrant report using your personal email address so, for now, that's your user ID. We don't switch over to your EPA email address until you actually come on board. This way, you can receive notifications and password resets to your email; otherwise, they would languish in your EPA mailbox. You may fill out the report now but you may not be able to submit it until after you land at EPA. I entered your start date as 6/1/21, but I can't remember whether the system allows you to submit it prior to that date.

You will report (b) (6)


I will be assigned to review your report but I'm out on Friday. So we can talk next week or you can send me your questions by email because I do check regularly over the weekend.

Cheers,

Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Jennifer Macedonia (b) (6)  
**Sent:** Thursday, May 27, 2021 12:22 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; ethics <ethics@epa.gov>  
**Subject:** Re: Following up on our call earlier today

Justina,

I have the following questions per your email below:

1. Do I need to wait until I have access to my EPA email on 6/1 to start filling out the forms in Integrity? When I entered my EPA address under Max ID to create/reset password, the message said "No MAX user found with the user name/email [Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)"

2. Thank you for the information regarding whether or not to include (b) (6)

A3—(b) (6)

I have started to look through a web-version of the form and have a few other questions. Could I set up a meeting with you or an ethics official to go through questions (perhaps tomorrow between 2-5p or next week)?

Thank you,  
Jennifer

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Jennifer Macedonia

(b) (6)

On May 18, 2021, at 11:02 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi there,

Welcome (back) to EPA and the wonderful world of public financial disclosure reporting! I understand that you will soon start as the Deputy Associate Administrator in the Office of Policy, which is a Schedule C position. Congratulations! Given this type of appointment, you are required by the Ethics in Government Act of 1978 to file the Public Financial Disclosure.

#### DEADLINE FOR SUBMITTING THE REPORT

Technically, your "new entrant" report is due no later than 30 days from the date you start, which we anticipate to be June 1, so your due date is 7/1/21. If you need additional time, you must contact [ethics@epa.gov](mailto:ethics@epa.gov) before your deadline expires. There is a limit to how much additional time we can give you, and we can't grant any extension after the fact.

#### THE FINANCIAL DISCLOSURE REPORT, OGE-278e

EPA uses an electronic filing system (called INTEGRITY) for the public financial disclosure reports that is operated and secured by the U.S. Office of Government Ethics (OGE). You are required by law to complete the form, and we will use it to determine whether you have any financial conflicts of interest or other ethics concerns.

We created an account for you in INTEGRITY and have assigned you a "new entrant" report. Your filer category is "Schedule C" and your filer status is "full time." For help in INTEGRITY, check out the OGE [Public Financial Disclosure Guide](#). The email from [INTEGRITY.gov](mailto:INTEGRITY.gov) will provide you with specific instructions to log into the federal government's [max.gov](http://max.gov) site, the gateway to INTEGRITY. If you don't receive your account notification within three days, then please check your clutter box for messages from [INTEGRITY.gov](mailto:INTEGRITY.gov), or contact [ethics@epa.gov](mailto:ethics@epa.gov).

There are several important things to know about the OGE-278e: (1) it is a public form (which means that anyone can ask for a copy of your form, but Congress repealed the requirement for public posting to the internet); (2) you have to fill it out every year you are in this position; (3) when you leave the position, you have to file a termination report (so remember to notify us); (4) you will be subject to a late filing fee of \$200 for not filing your report timely. There are also civil and criminal penalties for failure to file at all or for inaccurate reporting.

#### REQUIREMENT TO ANSWER ANY FOLLOW UP QUESTIONS WITHIN 14 DAYS

We will review your report as quickly as possible. If we have any questions, then we will notify you. At that point, you will have 14 calendar days to respond and resubmit your report back to us with any

necessary changes.

#### REPORTING TRANSACTIONS

While you are in this position, you are a public financial disclosure filer who is subject to the Ethics in Government Act as amended by the STOCK Act. You are required to report any purchase, sale or exchange of stocks, bonds, commodities futures or other forms of securities when the amount of the transaction exceeds \$1000. Use INTEGRITY to disclose reportable transactions within 30 days of receiving notification of the transaction, but not later than 45 days after the transaction occurs. You will have to report transactions that occur within brokerage accounts, managed accounts, or other investment vehicles that you own or jointly own with your spouse or another person, as well as transactions of your spouse or dependent children. For a comprehensive review of reportable transactions, see [EPA Ethics Advisory 2012-03](#) and our revised attached chart. Remember, you are responsible for reporting transactions, even if you have a managed account, and you will be fined for a tardy periodic transaction report.

#### YES, YOU CAN BE FINED FOR NOT FILING PROMPTLY

It's worth repeating that you can be fined \$200 for not meeting the submission deadline (and you still have to file that report). PLEASE pay attention to your filing requirements! If you need an extension, then you must ask before your deadline expires. There is a limit to how much additional time you may receive.

#### HELPFUL HINTS FOR FILLING OUT THE FORM

- This is a wretched and exacting form, so just know that you will have to provide a lot of information.
- You will get three different places to report assets: filer's employment-related assets and income, spouse's employment related assets and income, and other assets and income. You must report assets for yourself, your spouse and any dependent children. We don't really care where you report your assets, just that you do report them all someplace.
- You must include any investment asset that is worth more than \$1000. Include any income from any source that exceeded \$200 during the reporting period (including outside jobs or hobbies, rental income). Include any cash/savings accounts that have more than \$5000.
- Enter each asset separately. Don't lump items together on one line. Be sure to provide the valuation of the asset AND the amount of the income. For assets that aren't mutual funds, you also have to report the type of income (e.g., dividends, cap gains).
- For 401(k) or IRA plans, provide the name of each of the underlying assets. Don't just write "Vanguard IRA" or "mutual fund." You must specify each asset separately and give the valuation but, for these assets in tax deferred instruments, you do not need to provide the amount of income accrued.
- Do not report your federal salary, your spouse's federal salary, or Thrift Savings Plan information
- If you (not your spouse) have any earned income (e.g., outside job, paid pension), you have to report the actual amount of that income.
- If your spouse works outside of federal service, then include your spouse's employer but not the amount of your spouse's salary. If you are not legally married, do not report your significant other's employer.
- Don't forget to include any life insurance policies (whole life or variable life) as well as the underlying investments. Do not report term life insurance.
- If you have nothing to report in a section, be sure to click the "nothing to report" button
- Remember to check out the Office of Government Ethics' [Public Financial Disclosure Guide](#) or to contact OGC/Ethics for help.

## OTHER ETHICS REQUIREMENTS FOR YOU

### HATCH ACT

You are “lesser restricted” under the Hatch Act. During your new employee orientation, the ethics staff will go over the Hatch Act, which governs the political activity of government employees. For a refresher, you can familiarize yourself with the Hatch Act as it affects you by reviewing our online [Hatch Act training course](#) or check out our attached handy chart that reminds you of your restrictions.

### ETHICS TRAINING

As a public financial disclosure filer, you must take one hour of ethics training this year. The new employee training you will have with OGC/Ethics meets your annual training requirement for this year. Next year, you will take the annual training online.

### ANSWERS TO THE QUESTIONS YOU RAISED:

Q1 -- (b) (6)

A1—Yes. Federal financial disclosure reporting requires you and your spouse (for his confidential disclosure report) to disclose any (b) (6) that are created for you, your spouse, and your dependent children. If the plan as more than \$1000 in it at the end of the reporting period, then you will include it in Part 6. For the column labeled “item owner,” (b) (6)

See the examples below:

#	Description	EIF	Value	Income Type	Income Amount
1	CA (ScholarShare) College Savings Plan	No			
1.1	Active 5-8 Years	Yes	\$1,001 - \$15,000		None (or less than \$201)
1.2	Aggressive Growth	Yes	\$1,001 - \$15,000		None (or less than \$201)
2	Maryland College Savings Plan	No			
2.1	Portfolio for College	Yes	\$1,001 - \$15,000		None (or less than \$201)

Q2 – What is the definition of “former client” for the purposes of the Biden Ethics Pledge?

A2 – The Office of Government Ethics has issued clarifying guidance about this definition, used in both the Obama and Trump ethics pledges, in [DO-09-011](#) (3/26/09). A “former client” is “any person for whom the appointee served personally as an agent, attorney, or consultant within two years prior to date of appointment” and does include non-profit organizations. Significantly, the term does not extend to a limited speech or speaking engagement or “other kinds of discrete, short-term engagements, including certain de minimis consulting activities. Essentially, the Pledge is not intended to require a two-year recusal based on activities so insubstantial that they are not likely to engender the kind of lingering affinity and mixed loyalties at which the Executive Order is directed.” In determining whether or not someone was a former client, we will consider the following factors: (a) the amount of time devoted; (b) the presence or absence of an ongoing contractual relationship or agreement; (c) the nature of the services (e.g., whether they involved any representational services or other fiduciary duties); and (d) the nature of compensation (e.g., one-time fee versus a retainer fee). Based on what you described, I would not consider that one situation you mentioned to be a “former client.”

Q3 – You have a (b) (6) What are your reporting requirements?

A3— (b) (6)

(b) (6)

(b) (6)

(b) (6)

(b) (6)

If you have any questions regarding this message or your obligations, then please contact me directly or anyone in the OGC Ethics Office at [ethics@epa.gov](mailto:ethics@epa.gov). We'll be happy to assist you.

Cheers,  
Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North  
William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code)  
| phone 202-564-1786 | fax 202-564-1772

<Advisory to political appointees about late filing fee Jan 2021.pdf><Hatch Act chart Sept 2020.docx><When to  
Report Transactions on the OGE 278T and Part 7 - May 2019.docx>

**From:** [Macedonia, Jennifer](#)  
**To:** [Fugh, Justina](#)  
**Subject:** RE: Guest Speaker Request  
**Date:** Tuesday, October 26, 2021 3:50:46 PM

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Thank you. (I meant official capacity)

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, October 26, 2021 3:48 PM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** RE: Guest Speaker Request

Hi there,

In federal ethics, there is no such role as “professional capacity” so I don’t know what you mean. We have only personal capacity and official capacity. Given the topic and the fact that you received the request directed at your EPA email address, I infer that you are being asked to present on behalf of the US EPA and in your official capacity. Since Vicki has already provided her approval, there is no additional question for ethics. We’ll just remind that you may refer to your EPA position and title, use subordinates if necessary to prepare materials, will be speaking on behalf of the Agency, and do not share any non-public information.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Tuesday, October 26, 2021 3:42 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** FW: Guest Speaker Request

Hi Justina,

Could you remind me, do I need to request approval to accept, in my professional capacity, a guest speaker request for a graduate course?

Thanks,  
Jennifer

---

**From:** Arroyo, Victoria <[Arroyo.Victoria@epa.gov](mailto:Arroyo.Victoria@epa.gov)>  
**Sent:** Tuesday, October 26, 2021 2:27 PM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Cc:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>

**Subject:** RE: Guest Speaker Request

Sounds great!

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>

**Sent:** Tuesday, October 26, 2021 2:21 PM

**To:** Arroyo, Victoria <[Arroyo.Victoria@epa.gov](mailto:Arroyo.Victoria@epa.gov)>

**Cc:** Lewis, Josh <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>

**Subject:** FW: Guest Speaker Request

Vicki,

I've been invited to speak for 1 hour in January to a joint Syracuse University and Center for Strategic and International Studies course on Sustainability to discuss "how the US EPA as well as the US government more generally views the drivers and imperatives for global sustainability ie. impacts from climate change, resources and protection of the environment, green jobs etc. Any concerns?

Jennifer

---

**From:** Jay S Golden <[jgolde04@syr.edu](mailto:jgolde04@syr.edu)>

**Sent:** Tuesday, October 26, 2021 9:35 AM

**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>

**Cc:** Jay S Golden <[jgolde04@syr.edu](mailto:jgolde04@syr.edu)>; Tracy, Tom <[Tracy.Tom@epa.gov](mailto:Tracy.Tom@epa.gov)>

**Subject:** Guest Speaker Request

Hello Ms. Macedonia

My name is Jay Golden and as you can see I am a professor at Syracuse University. I am also on the Board of Scientific Counselors at EPA hence I have copied my POC Tom Tracy. This January I am teaching an intense two week course on Sustainability and its implications for both corporations and governments (ie. supply chains and national security). The course is at our joint facility with the Center for Strategic and International Studies <https://www.csis.org/>

The course will be for full time Syracuse graduate students (mainly policy) as well Hubert Humphrey Fellows from around the globe <https://www.humphreyfellowship.org/> and some government staff taking a professional graduate program. The course likely will be 15-25 students.

So, the reason for this email is to see if I could impose on you or someone you recommend to discuss in broad terms how the US EPA as well as the US government more generally views the drivers and imperatives for global sustainability ie. impacts from climate change, resources and protection of the environment, green jobs etc.

I know the students would benefit greatly from having the opportunity to garner insights from a leader such as yourself and have the opportunity to interact. I would think a 1 hour time would be wonderful either in-person at our Washington DC facility (everyone is vaccinated to even gain entry)



or via zoom/teams if you prefer.

The ideal date would be January 5, 2022 11:30 to 12:30 or anytime between 9am to 1pm. Other options would be January 4<sup>th</sup> or January 6<sup>th</sup> during those same timelines.

Again, I very much appreciate your consideration and I can certainly provide further details and/or jump on a zoom to introduce myself and further discuss.

All my best,  
Jay Golden

**Dr. Jay S. Golden**

Pontarelli Professor of Environmental Sustainability & Finance  
Director, the Dynamic Sustainability Lab  
Section Editor-in-Chief: Sustainability & Reverse Logistics  
Maxwell School

**SYRACUSE UNIVERSITY**

[syracuse.edu](http://syracuse.edu) | [maxwell.syr.edu](http://maxwell.syr.edu) | [www.DynamicsLab.org](http://www.DynamicsLab.org)

513 Eggers Hall

+1 (315) 443.5849

[jgolde04@syr.edu](mailto:jgolde04@syr.edu)

**From:** [Fugh, Justina](#)  
**To:** [Macedonia, Jennifer](#)  
**Subject:** RE: Integrity.gov: Report Returned  
**Date:** Friday, June 18, 2021 2:58:00 PM

Hi,

There are two easy ways to see the comments:

1) If you look at the left hand menu at "review report," you will see headers. Go to "report data (summary)" to see the entire report including these comments:

Comments of Reviewing Officials (not publicly displayed on report):

[illegible]

[REDACTED] (b) (6), (b) (3) (A) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

2) Open each part and then at the top menu line, look to find the comment bubble. If that entry says "yes," then there's a comment embedded for that line.

Justina

Justina Fugh | Director Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North William Jefferson Clinton Federal Building | Washington DC 20460 (for ground deliveries use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>  
Sent: Friday, June 18, 2021 2:41 PM  
To: Integrity.gov Notification <notifications@integrity.gov>  
Cc: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: RE: Integrity.gov: Report Returned

Hi Justina,

I received the following message and logged in to Integrity but it is not clear what updates are required. Are there notes or some indication that I am missing of what changes I need to make? I do not think I received any other emails indicating changes were needed.

Thanks,  
Jennifer

(b) (6)

-----Original Message-----

From: Integrity.gov <notifications@integrity.gov>  
Sent: Friday, June 18, 2021 12:55 PM  
To: Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>  
Cc: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: Integrity.gov: Report Returned

Dear Macedonia, Jennifer,

This is your gentle reminder that Fugh, Justina requested that you amend your 2021 New Entrant Report filed 6/6/2021. You were given 14 days to make the changes and submit the report back to us. Please make the necessary changes as soon as possible!

Access your report at (b) (6)

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] you have any questions, send a note to [ethics@epa.gov](mailto:ethics@epa.gov). For additional help with the report, see: <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww2.oge.gov%2FWeb%2F278eGuide.nsf&data=04%7C01%7CFugh.Justina%40epa.gov%7Cb7cc241c0c0b407842c708d93288a24b%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637596384683490541%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjI6IiJl6k1haWwiLCJXVC6Mn0%3D%7C1000&data=kshpDQzXOJO>

8aU9Buu1SLLwq0ZjyKvKsBPDhsmJqEY%3D&reserved=0

**From:** [Mosley, Ferne](#)  
**To:** [Efron, Brent](#)  
**Cc:** [Fugh, Justina](#); [Susman, Megan](#); [Griffo, Shannon](#)  
**Subject:** RE: Recusal issue for Jennifer Macedonia?  
**Date:** Tuesday, November 2, 2021 12:00:35 PM

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Hello, we agree that Jennifer may participate in these meetings with multiple participants, but may not attend meetings only with Duke or with fewer than 5 attendees, or otherwise engage with Duke in a matter that is prohibited by the Ethics Pledge until 2023.

Please let us know if you have any other questions.

Sincerely, Ferne

*Ferne L. Mosley, Attorney-Advisor*

Office of the General Counsel/Ethics Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW WJC Bldg, (North)  
Washington, DC 20460  
202-306-2998 (mobile)  
202-564-8046 (desk)

---

**From:** Mosley, Ferne

**Sent:** Tuesday, November 2, 2021 10:04 AM

**To:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>; Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>

**Subject:** RE: Recusal issue for Jennifer Macedonia?

Thanks, I'll confer with Justina and get back to you.

Ferne

*Ferne L. Mosley, Attorney-Advisor*

Office of the General Counsel/Ethics Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW WJC Bldg, (North)  
Washington, DC 20460  
202-306-2998 (mobile)  
202-564-8046 (desk)

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**From:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>

**Sent:** Monday, November 1, 2021 2:46 PM

**To:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Cc:** ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>

**Subject:** FW: Recusal issue for Jennifer Macedonia?

Hey Ferne,

See below for some more context from Megan Susman in our Office of Community Revitalization.

**Brent Efron**

He/Him/His

Special Assistant

EPA Office of Policy

(202) 815-8884

[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)

---

**From:** Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>

**Sent:** Monday, November 1, 2021 1:28 PM

**To:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>

**Subject:** RE: Recusal issue for Jennifer Macedonia?

I don't think I'd say that Jennifer is "working on" these meetings, really – right now, the invitation is just to observe meetings of regional networks/groups that the Duke people helped put together.

Down the line, there might be an opportunity to either present to these groups or ask them questions. A Duke University representative would certainly be in these meetings, but I don't think that Duke staff are running or directing the meetings.

Reading over the text below, I think she would probably be okay to join the calls, because they involve multiple stakeholders (much more than five – the call today had about 60 different groups represented). I don't know if it makes a difference, but I'm the one who made the initial contact with the Duke people, and they invited me to join the calls.

\*\*\*\*\*

Megan M. Susman (she, her)

EPA Office of Community Revitalization

202-566-2861

---

**From:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>

**Sent:** Monday, November 1, 2021 12:49 PM

**To:** Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>

**Subject:** FW: Recusal issue for Jennifer Macedonia?

Hey Megan,

Do you know what I should say in response to the questions below?

**Brent Efron**

He/Him/His

Special Assistant

EPA Office of Policy

(202) 815-8884

[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)

---

**From:** Mosley, Ferne <[mosley.ferne@epa.gov](mailto:mosley.ferne@epa.gov)>

**Sent:** Monday, November 1, 2021 12:44 PM

**To:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>

**Cc:** ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: Recusal issue for Jennifer Macedonia?

Hello, can you please identify what "working with" means? Is a Duke University representative going to be present or involved with her work on this? What, exactly, is Jennifer going to be doing in relation to this activity?

Jennifer's recusal requirement relating to her former employer and Duke (as a former client) is as follows:

*Pursuant to Section 1, Paragraph 2 of Executive Order 13989, I understand that I am prohibited from participating in any particular matter involving specific parties in which my former employer, **JLM Environmental Consulting** (my own consulting firm, now inactive) is a party or represents a party. Under the terms of the Ethics Pledge, this recusal also applies to the following*

clients whom I served in the two years preceding my appointment and lasts for two years from the date that I joined federal service, or until after June 1, 2023:

FORMER CLIENT
<b>Duke University</b>

I have been advised by OGC/Ethics that, for the purposes of this pledge obligation, the term “particular matters involving specific parties” is broadened to include any meetings or other communication relating to the performance of my official duties, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties. I am further advised that the term “open to all interested parties” means that the meeting should include a multiplicity of parties. If, for example, there is “a meeting with five or more stakeholders regarding a given policy or piece of legislation, [then I] could attend such a meeting even if one of the stakeholders is a former employer or former client.”<sup>[1]</sup> Such a meeting must also include a diversity of interests. Should a question arise as to whether a specific forum qualifies as “open to all interested parties,” then I will consult with OGC/Ethics.

*Ferne L. Mosley, Attorney-Advisor*

Office of the General Counsel/Ethics Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW WJC Bldg, (North)  
Washington, DC 20460  
202-306-2998 (mobile)  
202-564-8046 (desk)

---

**From:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>  
**Sent:** Monday, November 1, 2021 11:34 AM  
**To:** ethics <[ethics@epa.gov](mailto:ethics@epa.gov)>  
**Subject:** FW: Recusal issue for Jennifer Macedonia?

**Brent Efron**

He/Him/His  
Special Assistant  
EPA Office of Policy  
(202) 815-8884  
[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)

---

**From:** Efron, Brent  
**Sent:** Monday, November 1, 2021 11:33 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** FW: Recusal issue for Jennifer Macedonia?

Hey Justina,  
Would Jennifer be recused from working with SETRI and SE REVI given Duke helped launch them. Both are led by state energy offices.

---

**From:** Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>  
**Sent:** Friday, October 29, 2021 9:12 PM  
**To:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>  
**Subject:** RE: Recusal issue?

Hi Brent,

SETRI is <https://southeastev.org/>

SE REVI is Southeast Regional Electric Vehicle Information Exchange – they don't seem to have a website.

\*\*\*\*\*

Megan M. Susman (she, her)

EPA Office of Community Revitalization

202-566-2861

---

**From:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>

**Sent:** Friday, October 29, 2021 12:47 PM

**To:** Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>

**Subject:** FW: Recusal issue?

Hey Megan,

Could you send me some more info on the two regional networks referenced below? A name or a web link would be perfect.

**Brent Efron**

He/Him/His

Special Assistant

EPA Office of Policy

(202) 815-8884

[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>

**Sent:** Friday, October 29, 2021 11:51 AM

**To:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>

**Cc:** Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>

**Subject:** RE: Recusal issue?

Brent – could you look into this issue and ask Justina Phew or ethics office for a determination.

---

**From:** Susman, Megan <[Susman.Megan@epa.gov](mailto:Susman.Megan@epa.gov)>

**Sent:** Friday, October 29, 2021 9:58 AM

**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>

**Subject:** Recusal issue?

Hi Jennifer,

Brent had said you were recused from talking with Duke/Nicholas Institute. Kate Konschnik told me they've helped launch two regional networks to support EVs: SE REVI, which is led by state energy offices, and SETRI, a network of 60+ orgs including electric utilities, car manufacturers, states and environmental advocates. She's invited us to attend a meeting of one or both of those networks. Is that something you would be able to attend, or does your recusal extend to something like that?

Thanks,

Megan

\*\*\*\*\*

Subscribe to EPA's community revitalization listserv by sending a blank email to [join-epa\\_cmtly\\_revital@lists.epa.gov](mailto:join-epa_cmtly_revital@lists.epa.gov). Subscribers will receive occasional emails from the Office of Community Revitalization about events, publications, and more.

\*\*\*\*\*



Megan M. Susman (she, her)  
Acting Division Director, Community Assistance and Research Division  
U.S. Environmental Protection Agency  
Office of Community Revitalization  
Personal cellphone: 202-297-4735  
Phone: 202-566-2861  
Email: [susman.megan@epa.gov](mailto:susman.megan@epa.gov)  
[www.epa.gov/smartgrowth](http://www.epa.gov/smartgrowth)  
Follow us on Twitter: <https://twitter.com/EPACommunities>

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[1] See Office of Government Ethics (OGE) Advisory DO-09-011 (3/26/09), which applies to Exec. Order 13989 pursuant to OGE Legal Advisories LA-21-03 (1/22/21) and LA-21-05 (2/23/21).

**From:** [Fugh, Justina](#)  
**To:** [Macedonia, Jennifer](#)  
**Cc:** [ethics](#); [Efron, Brent](#)  
**Subject:** RE: Recusal question  
**Date:** Wednesday, October 20, 2021 5:13:33 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)

---

Hi Jennifer,

You have made your ethics officials' hearts swell with pride for spotting your recusal issue! We appreciate very much that you've asked this question! Here, even though the sponsor of the event is a former client, this situation is that rare instance in which we will nevertheless allow you to participate. There is no cost associated with this event, the topic is a matter of general applicability, and the event is open to all interested parties. Moreover, this appears to be a "listening" webinar so there does not appear to be any opportunity for you to directly interact with the host of the event (as opposed to the moderator or panelists, who might be able to take questions in the chat). So, yes, you may attend this event on these facts.

Thanks again for asking!

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Wednesday, October 20, 2021 12:24 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** [ethics](#) <[ethics@epa.gov](mailto:ethics@epa.gov)>; [Efron, Brent](#) <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>  
**Subject:** Recusal question

Justina,

Am I allowed to attend a public virtual webinar hosted by an organization for which I have a recusal? I would merely view the webinar, but would not speak.

Jennifer

---

Jennifer Macedonia (she/her)  
Deputy Associate Administrator for Policy  
Office of Policy  
U.S. Environmental Protection Agency  
202-564-1917

---

**From:** Efron, Brent <[Efron.Brent@epa.gov](mailto:Efron.Brent@epa.gov)>  
**Sent:** Wednesday, October 20, 2021 11:23 AM  
**To:** Fine, Philip <[Fine.Philip@epa.gov](mailto:Fine.Philip@epa.gov)>; Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Cc:** [Lewis, Josh](#) <[Lewis.Josh@epa.gov](mailto:Lewis.Josh@epa.gov)>; [Veney, Carla](#) <[Veney.Carla@epa.gov](mailto:Veney.Carla@epa.gov)>  
**Subject:** FW: RSVP: Advancing an Inclusive and Just U.S. Climate Resilience Strategy

Phil/Jennifer,

Would either of you like to be RSVP'd for this?

Vicki has a conflict Tribal Conference Call on Draft FY 2022-2026 EPA Strategic Plan but you both are

available to attend.

#### Speakers

- *Brenda Mallory\**: Chair, White House Council on Environmental Quality
- *David J. Hayes*: Special Assistant to the President for Climate Policy; White House Office of Domestic Climate Policy
- *Dr. Cecilia Martinez\**: Senior Director for Environmental Justice; White House Council on Environmental Quality
- *Candace Vahlsing*: Associate Director for Climate, Energy, Environment, and Science; White House Office of Management and Budget
- *Mark Chambers\**: Senior Director for Building Emissions & Community Resilience; White House Council on Environmental Quality
- *Xavier de Souza Briggs (moderator)*: Senior Fellow; The Brookings Institution
- *Dr. Beverly Wright*: Executive Director; Deep South Center for Environmental Justice
- *Yoca Ardit-Rocha*: Executive Director; The CLEO Institute

**From:** Nicholas Institute for Environmental Policy Solutions, Duke University

<[nicholas.institute@nicholasinstitute-duke.ccsend.com](mailto:nicholas.institute@nicholasinstitute-duke.ccsend.com)> **On Behalf Of** Nicholas Institute for Environmental Policy Solutions, Duke University

**Sent:** Wednesday, October 20, 2021 10:16 AM

**To:** PolicyOffice <[PolicyOffice@epa.gov](mailto:PolicyOffice@epa.gov)>

**Subject:** RSVP: Advancing an Inclusive and Just U.S. Climate Resilience Strategy



## *Advancing an Inclusive and Just U.S. Climate Resilience Strategy: A Dialogue between White House Climate Leadership and U.S. Community Leaders*

*Thursday, Oct. 28, 2–3:30 p.m. EDT/11 a.m.–12:30 p.m. PDT*

**Register**

*President Joe Biden and Congress have a once-in-a-generation opportunity to address environmental injustice, economic inequality, and climate change while preparing communities for the stresses and shocks of increasingly frequent, catastrophic extreme weather.*

*As Congress negotiates an investment package to support President Biden's Build Back Better plan, you're invited to join a virtual event on Thursday, Oct. 28, at 2 p.m. EDT/11 a.m. PDT that will explore how the U.S. should move forward with a climate resilience strategy that places racial, economic, and environmental justice at its core and meets the scale of the challenge.*

*This event will bring together leadership from the Biden-Harris administration and leaders from across the resilience, environmental justice, and climate policy communities to address the administration's whole-of-government approach to*

*driving forward equitable resilience through agency-level actions, investments, planning, and prioritization.*

### *Speakers*

- *Brenda Mallory\*: Chair, White House Council on Environmental Quality*
- *David J. Hayes: Special Assistant to the President for Climate Policy; White House Office of Domestic Climate Policy*
- *Dr. Cecilia Martinez\*: Senior Director for Environmental Justice; White House Council on Environmental Quality*
- *Candace Vahlsing: Associate Director for Climate, Energy, Environment, and Science; White House Office of Management and Budget*
- *Mark Chambers\*: Senior Director for Building Emissions & Community Resilience; White House Council on Environmental Quality*
- *Xavier de Souza Briggs (moderator): Senior Fellow; The Brookings Institution*
- *Dr. Beverly Wright: Executive Director; Deep South Center for Environmental Justice*
- *Yoca Arditi-Rocha: Executive Director; The CLEO Institute*

*\* To be confirmed*

*The urgent need to strengthen the nation's resilience to climate change could not be clearer. Extreme and sometimes deadly weather events plagued communities across the country over the summer—from megadrought and wildfires in the West to floods in the East and South to widespread extreme heat. Throughout, these communities continued to experience stresses from a global pandemic and ongoing social, economic, and racial inequity.*

*Speakers will take stock of progress to date and identify opportunities to implement President Biden's Build Back Better agenda and the Justice40 Initiative, which aims to deliver 40 percent of federal infrastructure and climate investment benefits to disadvantaged communities. Speakers will also discuss and identify investments and strategies to support local communities, including those historically left behind, to adapt to and prepare for worsening climate impacts.*

*Registration is required for this event. [Sign up and get more details here.](#) The virtual event is hosted by Duke University, the [Resilience Roadmap](#), [Resilience21](#), [The CLEO Institute](#), and the [Center for American Progress](#).*

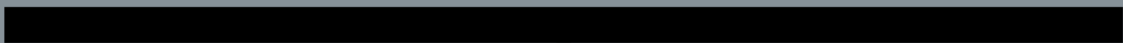


Image removed by sender. The Nicholas Institute and Energy Initiative are merging.



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Nicholas Institute for Environmental Policy Solutions | Duke University, Box 90335, Durham, NC 27708

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**From:** [Macedonia, Jennifer](#)  
**To:** [Clarke, Victoria](#); [Fugh, Justina](#); [Griffo, Shannon](#)  
**Subject:** RE: Signed ethics pledge  
**Date:** Wednesday, June 2, 2021 6:21:33 PM

---

Thank you, Victoria. I appreciated the informative briefing.

---

**From:** Clarke, Victoria <clarke.victoria@epa.gov>  
**Sent:** Wednesday, June 2, 2021 2:39 PM  
**To:** Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** Re: Signed ethics pledge

Thank you, Jennifer! It was great speaking with you!

Victoria Clarke

Attorney-Advisor

U.S. Environmental Protection Agency

Office of General Counsel | Ethics Office

Washington, D.C. | 7348 WJCN

EPA Office: 202-564-1149

EPA Cell: 202-336-9101

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Wednesday, June 02, 2021 2:37 PM  
**To:** Clarke, Victoria <[clarke.victoria@epa.gov](mailto:clarke.victoria@epa.gov)>  
**Subject:** Signed ethics pledge

---

Jennifer Macedonia (she/her)

Deputy Associate Administrator for Policy

US Environmental Protection Agency

202-564-1917



## ETHICS PLEDGE

I recognize that this pledge is part of a broader ethics in government plan designed to restore and maintain public trust in government, and I commit myself to conduct consistent with that plan. I commit to decision-making on the merits and exclusively in the public interest, without regard to private gain or personal benefit. I commit to conduct that upholds the independence of law enforcement and precludes improper interference with investigative or prosecutorial decisions of the Department of Justice. I commit to ethical choices of post-Government employment that do not raise the appearance that I have used my Government service for private gain, including by using confidential information acquired and relationships established for the benefit of future clients.

Accordingly, as a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. *Lobbyist Gift Ban.* I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
2. *Revolving Door Ban — All Appointees Entering Government.* I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
3. *Revolving Door Ban — Lobbyists and Registered Agents Entering Government.* If I was registered under the Lobbying Disclosure Act, 2 U.S.C. 1601 *et seq.*, or the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 *et seq.*, within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:
  - (a) participate in any particular matter on which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment;
  - (b) participate in the specific issue area in which that particular matter falls; or
  - (c) seek or accept employment with any executive agency with respect to which I lobbied, or engaged in registrable activity under FARA, within the 2 years before the date of my appointment.
4. *Revolving Door Ban — Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, and its implementing regulations, I agree that I will abide by those restrictions for a period of 2 years following the end of my appointment. I will abide by these same restrictions with respect to communicating with the senior White House staff.
5. *Revolving Door Ban — Senior and Very Senior Appointees Leaving Government.* If, upon my departure from the Government, I am covered by the post-employment restrictions set forth in sections 207(c) or 207(d) of title 18, United States Code, and those sections' implementing regulations, I agree that, in addition, for a period of 1 year following the end of my appointment, I will not materially assist others in making communications or appearances that I am prohibited from undertaking myself by (a) holding myself out as being available to engage in lobbying activities in support of any such communications or appearances; or (b) engaging in any such lobbying activities.
6. *Revolving Door Ban — Appointees Leaving Government to Lobby.* In addition to abiding by the limitations of paragraph 4, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee, or engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2021, would require that I register under FARA, for the remainder of the Administration or 2 years following the end of my appointment, whichever is later.
7. *Golden Parachute Ban.* I have not accepted and will not accept, including after entering Government, any salary or other cash payment from my former employer the eligibility for and payment of which is limited to individuals accepting a position in the United States Government. I also have not accepted and will not accept any non-cash benefit from my former employer that is provided in lieu of such a prohibited cash payment.
8. *Employment Qualification Commitment.* I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. *Assent to Enforcement.* I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 20, 2021, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Federal Government service.

Macedonia, Jennifer

Digitally signed by Macedonia, Jennifer  
Date: 2021.06.02 14:32:34 -04'00'

Signature

Date

Name (Type or Print): \_\_\_\_\_

, 20

**From:** [Fugh, Justina](#)  
**To:** [Macedonia, Jennifer](#)  
**Subject:** RE: UChicago Fall Lecture  
**Date:** Wednesday, September 29, 2021 11:43:00 AM  
**Attachments:** [approval for guest lecture at U of Chicago.pdf](#)

---

Here you go!

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Wednesday, September 29, 2021 11:28 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: UChicago Fall Lecture

Thank you!

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Wednesday, September 29, 2021 11:26 AM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** RE: UChicago Fall Lecture

Yes, you're approved. Got confirmation from Dan Utech yesterday, so will send you a formal approval memo soon.

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Sent:** Wednesday, September 29, 2021 11:22 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: UChicago Fall Lecture

Justina – The guest lecture at University of Chicago is tonight. Please tell me I am approved.

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, September 21, 2021 11:25 AM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** RE: UChicago Fall Lecture

Hi Jennifer,

The short answer is going to be yes, but the longer answer is that I have to work out a protocol issue with Dan Utech. Months ago, he agreed to serve as the reviewer for all political appointees and

their outside activity requests. But that was when we didn't have a lot of appointees in leadership positions, so he was the only one able to serve that role. Now that we have more people, I need to be sure he is okay with making an adjustment. I know he will be, but it's still a process to go through. Bottom line, though, is YES, you may proceed, and I'll send a confirmatory note soon.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>

**Sent:** Tuesday, September 21, 2021 10:09 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** RE: UChicago Fall Lecture

Hi Justina – I am waiting for approval to participate in this guest lecture. Do I have approval? I need to confirm with the professor today.

Thank you,  
Jennifer

---

**From:** Macedonia, Jennifer

**Sent:** Monday, September 13, 2021 10:42 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Victoria Arroyo (<[Arroyo.Victoria@epa.gov](mailto:Arroyo.Victoria@epa.gov)>) <[Arroyo.Victoria@epa.gov](mailto:Arroyo.Victoria@epa.gov)>

**Subject:** RE: UChicago Fall Lecture

Justina,

I am formally seeking prior approval of this activity. My supervisor, Vicki Arroyo, concurs with my participating as a guest lecturer. (Please see last item – is there a current link?)

Requested info:

Jennifer Macedonia, Deputy Associate Administrator for Policy, GS-15

Guest lecture; no compensation

Richard Sandor, University of Chicago Law School

2 hours

Entirely outside of normal duty hours

No official duty time or Government property, resources, or facilities not available to the general public will be used

No compensation

I have read, am familiar with, and will abide by the restrictions described in 5 CFR Part 2635 ([Subpart H on "Outside Activities"](#)) and Section 6401.103 ([EPA's Supplemental Regulations](#));

**Please note**, the last bullet on your list has an invalid link: an identification of any EPA

assistance agreements or contracts held by a person to or for whom services would be provided.  
(for this last one, check out the [EPA contracts site](#).)

Thank you,  
Jennifer

---

Jennifer Macedonia (she/her)  
Deputy Associate Administrator for Policy  
Office of the Administrator, Office of Policy  
U.S. Environmental Protection Agency  
202-564-1917

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 27, 2021 3:38 PM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>  
**Subject:** RE: UChicago Fall Lecture

Hi Jennifer,

This note confirms our conversation earlier today in which I provided you with the following advice:

1. YOU ASKED: Do I need to request anything or ask for an ethics determination to speak to a University of Chicago Law/Economics class about the history of the Acid Rain Program? I have given the same guest lecture in prior semesters. I will not receive any compensation.

JUSTINA: Since you've done this presentation before, you believe that you have been asked by the professor to present in your personal capacity rather than your official EPA capacity. That said, because you formerly worked in EPA's Acid Rain program, a portion of the talk deals directly with that program. Given that you are once again an EPA employee, you are subject to the EPA supplemental regulation that advises employees to seek prior approval before teaching, for example, on a topic that deals "in significant part with the policies, programs or operations of EPA." I therefore advised you to formally seek prior approval of this activity. To do so, follow the directions below:

#### HOW TO SEEK APPROVAL OF THE OUTSIDE ACTIVITY

EPA's supplemental regulations at 5 CFR 6401.103(a)(5)(ii) set forth how you seek approval of an outside activity. Check in with your supervisor to get her concurrence and then send me an email confirming that fact and address the following points:

- name, title and grade;
- the nature of the outside activity, including a full description of the services to be performed and the amount of compensation expected;
- the name and business of the person or organization for which the work will be done (in cases of self-employment, indicate the type of services to be rendered and estimate the number of clients or customers anticipated during the next six months);
- the estimated time to be devoted to the activity;

- whether the service will be performed entirely outside of normal duty hours (if not, estimate the number of hours of absence from work required);
- a statement that no official duty time or Government property, resources, or facilities not available to the general public will be used in connection with the outside employment;
- the basis for compensation (e.g., fee, per diem, per annum, etc.)
- a statement that you have read, are familiar with, and will abide by the restrictions described in 5 CFR Part 2635 ([Subpart H on "Outside Activities"](#)) and Section 6401.103 ([EPA's Supplemental Regulations](#)); and
- an identification of any EPA assistance agreements or contracts held by a person to or for whom services would be provided. (for this last one, check out the [EPA contracts site](#).)

Let me know if you have any other questions!

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

September 29, 2021

OFFICE OF  
GENERAL COUNSEL

**MEMORANDUM**

**SUBJECT:** Approval of Outside Activity  
**JUSTINA**  
**FROM:** Justina Fugh FUGH  
Alternate Designated Agency Ethics Official and  
Director, Ethics Office  
**TO:** Jennifer Macedonia  
Deputy Associate Administrator  
Office of Policy

Digitally signed by  
JUSTINA FUGH  
Date: 2021.09.29  
11:42:51 -04'00'

I have received your request to engage in an uncompensated one-time outside activity as a guest lecturer at a University of Chicago Law/Economics class about the history of the Acid Rain Program. Based on the information you have provided and having received the concurrence of your immediate supervisor and the Chief of Staff, I am approving your request as consistent with 5 C.F.R. Part 2635, Subpart H. I want to remind you of the relevant ethics obligations as you undertake this activity:

**Misuse of position**

You may not use government time, non-public information, or other resources, such as the official time of a subordinate, or your official title, other than as part of general biographical information that is given no more prominence than other aspects of your professional or educational background. You should offer a disclaimer that you are serving in your personal capacity and that the EPA or federal government does not necessarily endorse the views that you are expressing during the lecture. Also, you may not use your official position for the private gain of the school. See *generally*, 5 C.F.R. Part 2635, Subpart G.

Given that this is a one-time event, you will not have to report it on your next financial disclosure form. As always, if you have any questions, please feel free to contact me at 202-564-0212 or Justina Fugh at 202-564-1786.

**From:** [Fugh, Justina](#)  
**To:** [Macedonia, Jennifer](#)  
**Subject:** RE: Welcome to EPA ... don't forget about your financial disclosure report  
**Date:** Thursday, June 3, 2021 1:51:00 PM  
**Attachments:** [Executive Branch Personnel Public Financial Disclosure Report \(OGE Form 278e\).pdf](#)

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OH, and I just noticed that you referenced an excel version of the 278T. That's a periodic transaction report only, not the beast of a form that you'll be using to submit your new entrant report. The pdf of the correct form to use is attached.

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**From:** Macedonia, Jennifer <Macedonia.Jennifer@epa.gov>  
**Sent:** Thursday, June 03, 2021 12:27 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Jennifer Macedonia <jlmacedonia@gmail.com>  
**Subject:** RE: Welcome to EPA ... don't forget about your financial disclosure report

Hi Justina,

Before I had access to the system last week, I downloaded an excel version of 278T and have compiled some info and questions based on that. Yes, please switch the ID over so we can go over a few questions tomorrow and then I can fill in the form ideally over the weekend or early next. I also got some questions answered during ethics training yesterday which was helpful.

Thanks,  
Jennifer

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Thursday, June 3, 2021 11:49 AM  
**To:** Macedonia, Jennifer <[Macedonia.Jennifer@epa.gov](mailto:Macedonia.Jennifer@epa.gov)>; Jennifer Macedonia  
(b) (6)  
**Subject:** Welcome to EPA ... don't forget about your financial disclosure report

Hi Jennifer,

I noticed that you haven't yet started your new entrant report. To remind, your current user ID is your personal email address. I can change that to your EPA email address instead, which is what we prefer going forward. Are you ready for me to change over your user ID? It'll take about a day as I have to ask another federal agency to do it for us.

Justina

Justina Fugh | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

## Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

### General Instructions for Completing the OGE Form 278e

#### Should I Use This Form?

Candidate: Yes, you should file your report using this form.

Other Category of Filer: In most cases, individuals will file their public financial disclosure reports through an electronic financial disclosure system. Do not use this form if you plan to file using an electronic financial disclosure system.

#### When Must I File?

Candidate: Within 30 days of becoming a candidate for nomination or election to the office of President or Vice President, or by May 15 of that calendar year, whichever is later, but at least 30 days before the election, and on or before May 15 of each succeeding year you continue to be a candidate.

Nominee: No later than 5 days after nomination by the President

New Entrant: Within 30 days of assuming a covered position

Annual: No later than May 15 annually

Termination: Within 30 days of leaving a covered position

#### Extensions

The employing agency may grant you an extension of up to 45 days for good cause shown with the possibility of one additional extension of up to 45 days. Extensions for candidates are granted by the Federal Election Commission.

#### Late Filing

You will be subject to a \$200 late filing fee if you file your report more than 30 days after the due date (including any extensions). A report is considered to be filed when it is received by the agency. Agencies may waive this fee if the delay was caused by extraordinary circumstances. Unless waived, the agency will collect the fee for deposit with the United States Treasury.

#### Warnings

Knowing and willful falsification of information, or failure to file or report information required to be reported by section 102 of the Ethics in Government Act of 1978, as amended (the Act), may subject you to a civil monetary penalty and to disciplinary action by your employing agency or other appropriate authority under section 104 of the Act. Knowing and willful falsification of information required to be filed by section 102 of the Act may also subject you to criminal prosecution.



**Instructions for Completing Part 1 of the OGE Form 278e: Filer's Positions Held Outside United States Government**

**Applicability:** All filers complete Part 1.

**Reporting Period:**

Candidate, Nominee or New Entrant: Preceding two calendar years and current year to filing date

Annual: Preceding calendar year and current year to filing date

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

**Reporting Requirement:**

Report any positions that you held at any time during the reporting period (excluding positions with the United States Government). Reportable positions include those of an officer, director, trustee, general partner, proprietor, representative, employee, or consultant of any for-profit or non-profit organization (whether compensated or uncompensated).

**Exceptions:**

Do not report the following: (1) positions held as part of your official duties with the United States Government; (2) positions with religious, social, fraternal, or political entities; (3) positions solely of an honorary nature; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

In addition, you do not need to report service as a member of an advisory board or committee if the following criteria are met: (1) the advisory board or committee is that of a non-profit or governmental organization; (2) your service is unpaid; (3) you have no fiduciary duties of the sort exercised by officers, directors, or trustees; and (4) your role does not involve sufficient supervision by the organization to create a common law employee-employer relationship.

**Completing the Fields:**

Organization Name: Provide the name of the organization.

City/State: Provide the city and state in which the organization is located.

Organization Type: Describe the type of organization.

Position Held: Provide the title or a brief functional description of the position you hold or held.

From: Provide the month and year in which you began in the position.

To: Provide the month and year in which the position ended. If you still hold the position, write "present."

**Nothing to Report:** If you do not have anything to report, write "None."

**Instructions for Completing Part 2 of the OGE Form 278e: Filer's Employment Assets & Income and Retirement Accounts**

**Applicability:** All filers complete Part 2.

**Reporting Period:**

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

**Reporting Requirement:**

- Report each source of your earned and other non-investment income over \$200 during the reporting period (e.g., salary, fees, partnership share and other business income, honoraria, scholarships, and prizes).
- Report each asset related to your business, employment, or other income-generating activities if the value of the asset at the end of the reporting period exceeded \$1,000 or if more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, anticipated payments such as severance payments, deferred compensation, and intellectual property, such as book deals and patents).

**Exceptions:**

Do not include assets or income from United States Government employment. In addition, do not include assets that were acquired separately from your business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account) because you will report these assets in Part 6.

**Completing the Fields:**

Description: Provide a description sufficient to identify the asset or source being reported.

EIF: If you are reporting an investment vehicle that invests in assets of its own you need to report each underlying asset that was individually worth more than \$1,000 at the end of the reporting period or from which more than \$200 in income was received during the reporting period. As an exception to this requirement, however, you do not need to report the underlying assets of an investment vehicle that qualifies as an excepted investment fund (EIF). Indicate whether your entry qualifies as an excepted investment fund. If your entry is not an investment vehicle at all, select "N/A."

Value: Report the value of an asset by selecting the appropriate category.

Income Type:

- (1) Income Less than \$201: Leave this field blank.
- (2) Asset Qualifies as an EIF: Leave this field blank.
- (3) Dividends, Interest, Capital Gains, or Rent or Royalties: Enter these types of income into the field.
- (4) Other Income: Provide an appropriate description (e.g., "salary").

Income Amount:

- (1) Income Less than \$201: Select "None (or less than \$201)."
- (2) Asset Qualifies as an EIF: Select the category that corresponds to the total amount of income received during the reporting period.
- (3) Dividends, Interest, Capital Gains or Rent or Royalties: Select the category that corresponds to the total amount of income received during the reporting period.
- (4) Other Cases: Provide the exact amount of income received during the reporting period in the space provided.

**Nothing to Report:** If you do not have anything to report, write "None."

**Definitions:**

Definition of "Excepted Investment Fund": An excepted investment fund is an investment fund that is (1) widely held; (2) either publicly traded or available or widely diversified; and (3) independently managed, meaning you neither exercise control nor have the ability to exercise control over the financial interests held by the fund. A fund is widely diversified if it does not have a stated policy of concentrating its investments in any industry, business, or single country other than the United States or bonds of a single state within the United States.

Definition of "Received": You have received income when you have the right to exercise control over the income regardless of whether you have taken actual possession.

**Instructions for Completing Part 3 of the OGE Form 278e: Filer's Employment Agreements and Arrangements**

**Applicability:** All filers must complete Part 3.

**Reporting Period:**

Candidate, Nominee, or New Entrant: As of the date of filing

Annual: Preceding calendar year and current year to filing date

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

**Reporting Requirement:**

Report any agreements or arrangements that you had during the reporting period for the following: (1) continuing participation in an employee welfare or benefit plan maintained by a former employer; (2) leave of absence; (3) future employment; or (4) continuation of payments by a former employer (e.g., severance payments).

**Exceptions:**

Do not report the following: (1) agreements and arrangements with the United States Government, such as your participation in the Federal Employees Retirement System or the Civil Service Retirement System; (2) agreements and arrangements of your spouse or your dependent children; and (3) if you are filing a Nominee, New Entrant, or Candidate report, any agreement or arrangement that will end before you file your report.

**Completing the Fields:**

Employer or Party: Provide the parties to the agreement or arrangement, other than yourself. In most cases, the other party will be your employer.

City/State: Provide the city and state of the other parties.

Status and Terms: Briefly describe the type of agreement or arrangement, its terms (in particular, the timing and form of any payments), and its current status.

Date: Provide the month and year in which the agreement or arrangement began. In many cases, this will be when you joined the employer or otherwise became eligible for coverage under the agreement or arrangement.

**Nothing to Report:** If you do not have anything to report, write "None."

**Instructions for Completing Part 4 of the OGE Form 278e: Filer's Sources of Compensation Exceeding \$5,000 in a Year**

**Applicability:** Complete Part 4 if you are filing a Nominee or New Entrant report. Otherwise, leave this Part blank.

**Reporting Period:**

Nominee or New Entrant: Preceding two calendar years and current year to filing date

Other Reports: N/A

**Reporting Requirement:**

Report any source (except the United States Government) that paid more than \$5,000 for your services during any year of the reporting period. Report employers and any clients to whom you personally provided services. You must report a source even if the source made its payment to your employer and not to you. Do not report a client who paid your employer if you did not provide the services for which the client made the payment.

**Exception:**

The name of a source of compensation may be excluded only if that information is specifically determined to be confidential as a result of a privileged relationship established by law and if the disclosure is specifically prohibited:

- by law or regulation,
- by a rule of a professional licensing organization, or
- by a client agreement that at the time of engagement of the filer's services expressly provided that the client's name would not be disclosed publicly to any person.

If you exclude the name of any source, you must indicate in the report that such information has been excluded, the number of sources excluded, and, if applicable, a citation to the statute, regulation, rule of professional conduct, or other authority pursuant to which disclosure of the information is specifically prohibited.

**Completing the Fields:**

Source Name: Provide the name of the source.

City/State: Provide the city and state in which this source is located.

Brief Description of Duties: Provide a brief description of your duties or the type of services rendered.

**Nothing to Report:** If you do not have anything to report and you are filing a Nominee or New Entrant report, write "None."

**Instructions for Completing Part 5 of the OGE Form 278e: Spouse's Employment Assets & Income and Retirement Accounts**

**Applicability:** All filers complete Part 5.

**Reporting Period:**

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

**Reporting Requirement:**

- Report each source of earned income, excluding honoraria, for your spouse over \$1,000 during the reporting period.
- Report each source of honoraria for your spouse over \$200 during the reporting period.
- Report each asset related to your spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents).

**Exceptions:**

Do not include assets or income from United States Government employment. In addition, do not include assets that were acquired separately from your spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account) because you will report these assets in Part 6.

**Completing the Fields:**

Complete these fields using the instructions from Part 2 with two exceptions. First, you do not need to provide the exact amount of your spouse's earned income, other than honoraria. Instead, simply describe the type of income in the Income Type field and leave the Income Amount field blank. Second, the value and income amount fields include a category labeled "Over \$1,000,000." You may use this category or you may use the higher value and amount categories.

**Nothing to Report:** If you do not have anything to report, write "None."

**Instructions for Completing Part 6 of the OGE Form 278e: Other Assets and Income**

**Applicability:** All filers complete Part 6.

**Reporting Period:**

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

**Reporting Requirement:**

Each asset held for investment or the production of income, not already reported in Part 2 or Part 5, that ended the reporting period with a value greater than \$1,000 or from which more than \$200 in income was received during the reporting period. For purposes of the value and income thresholds, aggregate your interests with those of your spouse and your dependent children.

**Exceptions:**

Do not report any of the following: (1) a personal residence that you did not rent out during the reporting period; (2) retirement benefits from the United States Government, including the Thrift Savings Plan; (3) income from social security, veterans' benefits, and other similar United States Government benefits; (4) deposits in a single financial institution aggregating \$5,000 or less in money market accounts, certificates of deposit, savings accounts, checking accounts or other cash deposits (unless the income exceeded \$200); (5) shares in a single money market mutual fund aggregating \$5,000 or less (unless the income exceeded \$200); (6) loans made by you or your spouse to each other or to a parent, sibling, child, or grandchild; (7) interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; (8) interests of a former spouse or a spouse from whom you are permanently separated; and (9) payments from a spouse or former spouse associated with a divorce or permanent separation.

**Completing the Fields:**

Complete these fields using the instructions from Part 2 with one exception. The value and income amount fields include a category labeled "Over \$1,000,000."

You may use this category only for your spouse's or dependent child's assets. Do not use this category for your assets or assets held jointly with your spouse or dependent child.

**Nothing to Report:** If you do not have anything to report, write "None."

**Instructions for Completing Part 7 of the OGE Form 278e: Transactions**

**Applicability:** Complete Part 7 if you are filing an Annual or Termination report. Otherwise, leave this Part blank.

**Reporting Period:**

Candidate, Nominee, or New Entrant: N/A

Annual: Preceding calendar year

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

**Reporting Requirement:**

Report any purchase, sale, or exchange of real property or securities in excess of \$1,000 that was made by you, your spouse, or your dependent child during the reporting period.

**Exceptions:**

Do not report the following: (1) a personal residence, unless the personal residence was rented out at any point during the reporting period; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, notes, and bonds; (4) Thrift Saving Plan accounts; (5) an underlying asset held within an excepted investment fund, an excepted trust, or a qualified trust; (6) transactions that you already reported in your periodic transaction report (OGE Form 278-T), unless your agency requires duplicate reporting; (7) transactions that occurred when you were not a public financial disclosure filer or an employee of the United States Government; (8) transactions that occurred solely by and between you, your spouse, and your dependent children; (9) interests of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; and (10) interests of a former spouse or a spouse from whom you are permanently separated.

**Completing the Fields:**

Description: Provide the name of the asset.

Type: Specify the type of transaction as a purchase, sale, or exchange.

Date: Provide the month, day, and year of the transaction.

Amount: Report the amount of the transaction by selecting the appropriate category. You may use the "Over \$1,000,000" category only for transactions involving your spouse's or dependent child's assets. Do not use this category for your assets or assets held jointly with your spouse or dependent child.

**Nothing to Report:** If you do not have anything to report, write "None."

## **Instructions for Completing Part 8 of the OGE Form 278e: Liabilities**

**Applicability:** All filers complete Part 8.

### **Reporting Period:**

Candidate, Nominee, or New Entrant: Preceding calendar year and current year to filing date

Annual: Preceding calendar year

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

### **Reporting Requirement:**

Report liabilities over \$10,000 that you, your spouse, or your dependent child owed at any time during the reporting period.

### **Exceptions:**

Do not report the following: (1) loans secured by a personal motor vehicle, household furniture, or appliances, provided that the loan does not exceed the item's purchase price; (2) revolving charge accounts, such as credit card balances, where the outstanding liability did not exceed \$10,000 at the end of the reporting period; (3) personal liabilities owed to a spouse, parent, sibling, or child of yours, your spouse, or your dependent child; (4) liabilities of a spouse living separate and apart with the intention of terminating the marriage or providing for a permanent separation; (5) liabilities of a former spouse or a spouse from whom you are permanently separated; and (6) obligations arising from divorce or permanent separation.

### **Additional Exception for Certain Mortgages:**

- If you are not a nominee or appointee to a Presidentially-appointed, Senate-confirmed (PAS) position, you do not need to report a mortgage or home equity loan secured by your personal residence, unless you rented out the personal residence during the reporting period. However, you must report mortgages or home equity loans on properties that do not qualify as personal residences.
- If you are a nominee or appointee to one of the three types of PAS positions listed below, you do not need to report a mortgage or home equity loan secured by your personal residence, unless you rented out the personal residence during the reporting period. However, you must report mortgages or home equity loans on properties that do not qualify as personal residences. The three types of PAS positions are: (1) a position in which you will serve as a special Government employee (SGE); (2) a position as a Foreign Service Officer below the rank of

ambassador; or (3) a position in the uniformed services for which the pay grade prescribed by section 201 of title 37, United States Code is O-6 or below.

- If you are a nominee or appointee to any other type of PAS position, you must report a mortgage or home equity loan secured by your personal residence as you would a mortgage on any other property.

### **Completing the Fields:**

Creditor Name: Provide the name of the creditor/lending institution.

Type: Identify the type of liability.

Amount: Select the appropriate category of amount or value. For revolving charge accounts, use the value of the liability at the end of the reporting period. For all other liabilities, select the category that corresponds to the highest amount owed during the reporting period. You may use the "Over \$1,000,000" category only for your spouse's or dependent child's liabilities. Do not use this category for your liabilities or a joint liability for you and your spouse or dependent child.

Year Incurred: Provide the year that the liability was incurred.

Rate: Provide the interest rate. Describing the rate in reference to a prime rate, such as "prime + 1," is also sufficient.

Term: Specify, in years or months, the time that the loan allows for repayment. If applicable, you may write "on demand" or "revolving."

**Nothing to Report:** If you do not have anything to report, write "None."



**Instructions for Completing Part 9 of the OGE Form 278e: Gifts and Travel Reimbursements**

**Applicability:** Complete Part 9 if you are filing an Annual or Termination report. Otherwise, leave this Part blank.

**Reporting Period:**

Candidate, Nominee, or New Entrant: N/A

Annual: Preceding calendar year

Termination: Current calendar year to termination date (in addition, the preceding calendar year if an Annual report for that year is required but has not yet been filed)

**Reporting Requirement:**

- Gifts totaling more than \$415 that you, your spouse, and your dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$415 that you, your spouse, and your dependent children received from any one source during the reporting period.

If more than one gift or travel reimbursement was received from a single source: (1) Determine the value of each item received from that source; (2) exclude each item valued at \$166 or less; and (3) add the value of those items valued at more than \$166. If the total is more than \$415, then you must report each item valued at more than \$166.

**Exceptions:**

Do not report the following: (1) anything received from a relative; (2) bequests and other forms of inheritance; (3) suitable mementos of a function honoring you (e.g., retirement party); (4) food, lodging, transportation, and entertainment or reimbursements provided by a foreign government within a foreign country or by the United States Government, the District of Columbia, or a State or local government; (5) food and beverages not consumed in connection with a gift of overnight lodging; (6) anything given to your spouse or dependent child totally independent of their relationship to you; (7) gifts in the nature of communications to your office, such as subscriptions to newspapers and periodicals; (8) gifts of hospitality (food, lodging, entertainment) on the donor's personal or family premises, as defined in 5 C.F.R. Part 2634; (9) any gifts and travel reimbursements received when you were not an employee of the United States Government; and (10) any reimbursements you received for political trips that were required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. § 434).

**Completing the Fields:**

Source Name: Provide the identity of the source.

City/State: Provide the source's city and state of business or residence.

Brief Description: Describe the nature of the item or reimbursement received. For travel-related gifts and reimbursements, include a travel itinerary, the dates of travel, and the nature of the expenses. Although not required, it is helpful to specify your relationship to the source or note the basis on which you accepted the gift or reimbursement.

Value: Provide the fair market value of the gift(s) or travel reimbursement(s).

**Nothing to Report:** If you do not have anything to report, write "None."



Report Type:	
Year (Annual Report only):	
Date of Appointment/Termination:	

## Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)

<b>Filer's Information</b>				
Last Name	First Name	MI	Position	Agency
Other Federal Government Positions Held During the Preceding 12 Months:				
Name of Congressional Committee Considering Nomination (Nominees only):				
Filer's Certification - I certify that the statements I have made in this report are true, complete and correct to the best of my knowledge:				
Signature:			Date:	
Agency Ethics Official's Opinion – On the basis of information contained in this report, I conclude that the filer is in compliance with applicable laws and regulations (subject to any comments below)				
Signature:			Date:	
Other Review Conducted By:				
Signature:			Date:	
U.S. Office of Government Ethics Certification (if required):				
Signature:			Date:	
Comments of Reviewing Officials:				

[Instructions for Part 1](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name					Page Number	
<b>Part 1: Filer's Positions Held Outside United States Government</b>						
#	Organization Name	City/State	Organization Type	Position Held	From	To
1.						
2.						
3.						
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[Instructions for Part 2](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name					Page Number
<b>Part 2: Filer's Employment Assets &amp; Income and Retirement Accounts</b>					
#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
3.					
4.					
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[Instructions for Part 3](#)

**Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.**

Filer's Name				Page Number
<b>Part 3: Filer's Employment Agreements and Arrangements</b>				
#	Employer or Party	City/State	Status and Terms	Date
1.				
2.				
3.				
4.				
5.				
6.				
7.				
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11.				
12.				

[Instructions for Part 4](#)

**Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.**

Filer's Name			Page Number
<b>Part 4: Filer's Sources of Compensation Exceeding \$5,000 in a Year</b>			
#	Source Name	City/State	Brief Description of Duties
1.			
2.			
3.			
4.			
5.			
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10.			
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[Instructions for Part 5](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name					Page Number
<b>Part 5: Spouse's Employment Assets &amp; Income and Retirement Accounts</b>					
#	Description	EIF	Value	Income Type	Income Amount
1.					
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[Instructions for Part 6](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name					Page Number
<b>Part 6: Other Assets and Income</b>					
#	Description	EIF	Value	Income Type	Income Amount
1.					
2.					
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[Instructions for Part 7](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name				Page Number
<b>Part 7: Transactions</b>				
#	Description	Type	Date	Amount
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
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[Instructions for Part 8](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name						Page Number
<b>Part 8: Liabilities</b>						
#	Creditor Name	Type	Amount	Year Incurred	Rate	Term
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
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[Instructions for Part 9](#)

Note: This is a public form. Do not include account numbers, street addresses, or family member names. See instructions for required information.

Filer's Name			Page Number	
<b>Part 9: Gifts and Travel Reimbursements</b>				
#	Source Name	City/State	Brief Description	Value
1.				
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## Summary of Contents

### 1. Filer's Positions Held Outside United States Government

Part 1 discloses positions that the filer held at any time during the reporting period (excluding positions with the United States Government). Positions are reportable even if the filer did not receive compensation. This section does not include the following: (1) positions with religious, social, fraternal, or political organizations; (2) positions solely of an honorary nature; (3) positions held as part of the filer's official duties with the United States Government; (4) mere membership in an organization; and (5) passive investment interests as a limited partner or non-managing member of a limited liability company.

### 2. Filer's Employment Assets & Income and Retirement Accounts

Part 2 discloses the following:

- Sources of earned and other non-investment income of the filer totaling more than \$200 during the reporting period (e.g., salary, fees, partnership share, honoraria, scholarships, and prizes)
- Assets related to the filer's business, employment, or other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

### 3. Filer's Employment Agreements and Arrangements

Part 3 discloses agreements or arrangements that the filer had during the reporting period with an employer or former employer (except the United States Government), such as the following:

- Future employment
- Leave of absence
- Continuing payments from an employer, including severance and payments not yet received for previous work (excluding ordinary salary from a current employer)
- Continuing participation in an employee welfare, retirement, or other benefit plan, such as pensions or a deferred compensation plan
- Retention or disposition of employer-awarded equity, sharing in profits or carried interests (e.g., vested and unvested stock options, restricted stock, future share of a company's profits, etc.)

### 4. Filer's Sources of Compensation Exceeding \$5,000 in a Year

Part 4 discloses sources (except the United States Government) that paid more than \$5,000 in a calendar year for the filer's services during any year of the reporting period. The filer discloses payments both from employers and from any clients to whom the filer personally provided services. The filer discloses a source even if the source made its payment to the filer's employer and not to the filer. The filer does not disclose a client's payment to the filer's employer if the filer did not provide the services for which the client is paying.

## **5. Spouse's Employment Assets & Income and Retirement Accounts**

Part 5 discloses the following:

- Sources of earned income (excluding honoraria) for the filer's spouse totaling more than \$1,000 during the reporting period (e.g., salary, consulting fees, and partnership share)
- Sources of honoraria for the filer's spouse greater than \$200 during the reporting period
- Assets related to the filer's spouse's employment, business activities, other income-generating activities (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in income was received during the reporting period (e.g., equity in business or partnership, stock options, retirement plans/accounts and their underlying holdings as appropriate, deferred compensation, and intellectual property, such as book deals and patents)

This section does not include assets or income from United States Government employment or assets that were acquired separately from the filer's spouse's business, employment, or other income-generating activities (e.g., assets purchased through a brokerage account). Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF). Amounts of income are not required for a spouse's earned income (excluding honoraria).

## **6. Other Assets and Income**

Part 6 discloses each asset, not already reported, (1) that ended the reporting period with a value greater than \$1,000 or (2) from which more than \$200 in investment income was received during the reporting period. For purposes of the value and income thresholds, the filer aggregates the filer's interests with those of the filer's spouse and dependent children. This section does not include the following types of assets: (1) a personal residence (unless it was rented out during the reporting period); (2) income or retirement benefits associated with United States Government employment (e.g., Thrift Savings Plan); and (3) cash accounts (e.g., checking, savings, money market accounts) at a single financial institution with a value of \$5,000 or less (unless more than \$200 in income was received). Additional exceptions apply. Note: The type of income is not required if the amount of income is \$0 - \$200 or if the asset qualifies as an excepted investment fund (EIF).

## **7. Transactions**

Part 7 discloses purchases, sales, or exchanges of real property or securities in excess of \$1,000 made on behalf of the filer, the filer's spouse or dependent child during the reporting period. This section does not include transactions that concern the following: (1) a personal residence, unless rented out; (2) cash accounts (e.g., checking, savings, CDs, money market accounts) and money market mutual funds; (3) Treasury bills, bonds, and notes; and (4) holdings within a federal Thrift Savings Plan account. Additional exceptions apply.

## **8. Liabilities**

Part 8 discloses liabilities over \$10,000 that the filer, the filer's spouse or dependent child owed at any time during the reporting period. This section does not include the following types of liabilities: (1) mortgages on a personal residence, unless rented out (limitations apply for PAS filers); (2) loans secured by a personal motor vehicle, household furniture, or appliances, unless the loan exceeds the item's purchase price; and (3) revolving charge accounts, such as credit card balances, if the outstanding liability did not exceed \$10,000 at the end of the reporting period. Additional exceptions apply.

## **9. Gifts and Travel Reimbursements**

This section discloses:

- Gifts totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.
- Travel reimbursements totaling more than \$415 that the filer, the filer's spouse, and dependent children received from any one source during the reporting period.

For purposes of this section, the filer need not aggregate any gift or travel reimbursement with a value of \$166 or less. Regardless of the value, this section does not include the following items: (1) anything received from relatives; (2) anything received from the United States Government or from the District of Columbia, state, or local governments; (3) bequests and other forms of inheritance; (4) gifts and travel reimbursements given to the filer's agency in connection with the filer's official travel; (5) gifts of hospitality (food, lodging, entertainment) at the donor's residence or personal premises; and (6) anything received by the filer's spouse or dependent children totally independent of their relationship to the filer. Additional exceptions apply.

## Privacy Act Statement

Title I of the Ethics in Government Act of 1978, as amended (the Act), 5 U.S.C. app. § 101 et seq., as amended by the Stop Trading on Congressional Knowledge Act of 2012 (Pub. L. 112-105) (STOCK Act), and 5 C.F.R. Part 2634 of the U. S. Office of Government Ethics regulations require the reporting of this information. Failure to provide the requested information may result in separation, disciplinary action, or civil action. The primary use of the information on this report is for review by Government officials to determine compliance with applicable Federal laws and regulations. This report may also be disclosed upon request to any requesting person in accordance with sections 105 and 402(b)(1) of the Act or as otherwise authorized by law. You may inspect applications for public access of your own form upon request. Additional disclosures of the information on this report may be made: (1) to any requesting person, subject to the limitation contained in section 208(d)(1) of title 18, any determination granting an exemption pursuant to sections 208(b)(1) and 208(b)(3) of title 18; (2) to a Federal, State, or local law enforcement agency if the disclosing agency becomes aware of violations or potential violations of law or regulation; (3) to a source when necessary to obtain information relevant to a conflict of interest investigation or determination; (4) to the National Archives and Records Administration or the General Services Administration in records management inspections; (5) to the Office of Management and Budget during legislative coordination on private relief legislation; (6) when the disclosing agency determines that the records are arguably relevant to a proceeding before a court, grand jury, or administrative or adjudicative body, or in a proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding; (7) to reviewing officials in a new office, department or agency when an employee transfers or is detailed from one covered position to another, a public financial disclosure report and any accompanying documents, including statements notifying an employee's supervising ethics office of the commencement of negotiations for future employment or compensation or of an agreement for future employment or compensation; (8) to a Member of Congress or a congressional office in response to an inquiry made on behalf of and at the request of an individual who is the subject of the record; (9) to contractors and other non-Government employees working on a contract, service or assignment for the Federal Government when necessary to accomplish a function related to this system of records; (10) on the OGE Website and to any person, department or agency, any written ethics agreement, including certifications of ethics agreement compliance, filed with OGE by an individual nominated by the President to a position requiring Senate confirmation; (11) on the OGE Website and to any person, department or agency, any certificate of divestiture issued by OGE; (12) on the OGE Website and to any person, department or agency, any waiver of the restrictions contained in Executive Order 13770 or any superseding executive order; (13) to appropriate agencies, entities and persons when there has been a suspected or confirmed breach of the system of records, the agency maintaining the records has determined that there is a risk of harm to individuals, the agency, the Federal Government, or national security, and the disclosure is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and (14) to another Federal agency or Federal entity, when the agency maintaining the record determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in responding to a suspected or confirmed breach or in preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity, the Federal Government, or national security. See also the OGE/GOVT-1 executive branch-wide Privacy Act system of records.

## Public Burden Information

This collection of information is estimated to take an average of ten hours per response, including time for reviewing the instructions, gathering the data needed, and completing the form. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Program Counsel, U.S. Office of Government Ethics (OGE), Suite 500, 1201 New York Avenue, N.W., Washington, DC 20005-3917.

Pursuant to the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and no person is required to respond to, a collection of information unless it displays a currently valid OMB control number (that number, 3209-0001, is displayed here and at the top of the first page of this OGE Form 278e).